



Agenda Item No. 2

To: Rules, Policy and Industrial Relations Committee/Committee of the Whole  
Meeting of February 27, 2009

From: Kary H. Witt, Deputy General Manager, Bridge Division  
David J. Miller, Attorney  
Celia G. Kupersmith, General Manager

Subject: **APPROVE AMENDMENTS TO THE MASTER ORDINANCE RELATIVE  
TO EXPRESSIVE ACTIVITIES AND SPECIAL EVENTS**

**Recommendation**

The Rules, Policy and Industrial Relations Committee recommends that the Board of Directors adopt an Ordinance updating Master Ordinance 2009 regarding the use of District property for expressive activities and special events.

**Summary**

For many years the District has allowed expressive activities and special events on portions of its properties that are open to the public. Over the last two years, staff and the Attorney have evaluated the sections of the Master Ordinance that pertain to expressive activities and special events. Staff and the Attorney have done so in light of negotiations leading to and experiences derived from various expressive activities and special events that have occurred on District property, and in consideration of the operational needs and transportation purposes of the District. As a result of this process, staff and the Attorney are recommending that the regulations pertaining to expressive activities and special events be updated.

The updated time, place and manner regulations regarding expressive activities included in the attached Ordinance fundamentally represent a codification of existing practice. These regulations are designed to carefully balance the ability of the public to engage in expressive activities on designated District property that is open to the public with the following compelling District objectives: (1) ensure that District facilities remain open and unobstructed for their primary transportation purpose; (2) protect the safety and security of all persons using District facilities; (3) prevent damage to District property; and, (4) establish objective standards for consistent decision making by District officials and allied law enforcement agencies who are responsible for implementing and enforcing the regulations. The California Highway Patrol and District security personnel have stated that adoption of the updated Ordinance is beneficial from an oversight and enforcement perspective because the Ordinance incorporates all applicable regulations into a single document and includes drawings showing where expressive activity is permitted.

The updated regulations regarding special events included in the attached Ordinance also represent a codification of existing practice. These regulations are intended to allow special events on District property in a manner that assures that the property will be accessible for its primary transportation purpose in a safe, secure, and unobstructed way. The regulations governing special events specify where special events are permitted and make all the regulations for expressive activity applicable to special events. In addition, the regulations restate the existing requirements to obtain a permit, to provide that costs incurred to accommodate special events are recovered by the District, and to shift liability risks to the permittee.

### **Background**

The number and magnitude of expressive activities and special events that have occurred on District property, particularly the Bridge sidewalks and public areas near the Bridge, has increased significantly in recent years. In calendar year 2008, the District issued permits for 51 expressive activities and special events involving approximately 41,000 participants. On most weekends throughout the year, there is at least one permitted expressive activity or special event on the Bridge sidewalks or areas near the Bridge.

In 1990, the District adopted Ordinance No. 335. This Ordinance specifically allowed expressive activities on District property that is open to the public, subject to obtaining a permit and complying with reasonable time, place and manner regulations consistent with the United States and California Constitutions. As a legal proposition, once opened for use in this manner, such public areas cannot be withdrawn easily from access for expressive activities.

The District revisited Ordinance No. 335 in 2001 after the tragic events on September 11. The District at that time adopted a series of Ordinances that first temporarily closed the Bridge sidewalks and then reopened them to the public generally but with a continued ban on expressive activities and special events, and ultimately lifted the ban on expressive activities and special events on the Bridge sidewalks. The events on September 11 heightened the security and safety concerns associated with high profile structures such as the Golden Gate Bridge. Those heightened security and safety concerns continue to this day.

The District has not undertaken a thorough review of its time, place and manner regulations for expressive activities since early 2002. Staff and the Attorney determined that the time had come to analyze and update these regulations. In so doing, staff and the Attorney undertook the following tasks: (1) researched and analyzed applicable legal standards; (2) reviewed expressive activity regulations adopted by other public agencies; (3) negotiated with counsel for the American Civil Liberties Union the conditions of permits for several expressive activities at the Bridge; (4) observed and monitored expressive activities and special events on District property; (5) coordinated and met with local law enforcement and the District's security personnel; (6) evaluated the operational, security and safety issues unique to each District facility; and, (7) analyzed each proposed general and special regulation and its potential impact on both expressive activities and special events, in light of the District's operational, safety and security procedures.

**Proposed Amendments to Regulations for Expressive Activities**

As a result of the substantial efforts set forth above, the following key amendments are proposed for the time, place and manner regulations governing expressive activities:

1. Addition of a definition of what constitutes expressive activity, based on legal standards, as verbal, visual, literary, or auditory speech, communication, or conduct that is intended to convey a political, religious, philosophical, or ideological opinion, view, or message that likely would be understood by those who see or hear the speech, communication, or conduct to be such an opinion, view, or message. This definition is derived from: *Spence v. Washington*, 418 U.S. 405 (U.S. 1974); *Thomas v. City of Beaverton*, 379 F.3d 802 (9th Cir. 2004) and *Long Beach Area Peace Network v. City of Long Beach*, 522 F.3d 1010 (9th Cir. 2008).

2. Incorporation of maps and drawings of the following District property designating where expressive activities are permissible: (1) Bridge sidewalks and areas near the Bridge; (2) Larkspur Ferry Terminal; (3) San Francisco Ferry Terminal; (4) Santa Rosa Bus Facility; (5) San Rafael Transportation Center, and (6) San Rafael Bus Facility.

3. Creation of an exception to the permit requirement to allow for expressive activities that occur on the Bridge sidewalks or other designated public areas near the Bridge, such as near the Strauss Statue, when the expressive activity involves less than 50 participants and provided that no participant may carry a sign, prop, or musical instrument.

The presence of an organized group, even a small one, whose primary purpose is to attract the attention of others using the Bridge or other public areas near the Bridge by holding a sign or prop increases the safety concerns that are already present due to the unique characteristics of this area and necessitates oversight by appropriate law enforcement personnel. Therefore, the permit requirement will continue to apply to all expressive activities that involve signs or props.

4. Continuation of the limitation on the times of day when permits will be issued for expressive activities on the Bridge sidewalks, and addition of a provision that no permits will be issued for expressive activities on the Bridge sidewalks and areas near the Bridge during four California Highway Patrol maximum enforcement periods, which involve Memorial Day, Independence Day, Labor Day, and New Year's Day.

5. Shortening of the lead time necessary for submitting requests for a permit for expressive activity from five to four business days before the proposed expressive activity.

6. Enunciation of special time, place, and manner regulations to address the unique characteristics of, and the unique operational, safety, and security issues with, the Bridge sidewalks and each of the ferry and bus facilities that are open to the public. For example, two of the special regulations that apply to the Bridge Sidewalks are: (1) a prohibition against sound amplification devices; and, (2) a limitation on the number and size of signs and props and the manner in which they must be carried in keeping with permit conditions contained in permits issued during the recent past.

Broadly stated, the proposed amendments to the Master Ordinance sections pertaining to the use of District property for expressive activities accomplish the following: (1) codification of the existing practice for allowing expressive activity on District property; (2) incorporation of all the time, place, and manner regulations for expressive activity into one document; and, (3) clarification of regulations to better enable participants involved in expressive activity and officials responsible for implementing and enforcing the regulations to better understand what conduct is and is not permitted.

### **Proposed Amendments to Regulations for Special Events**

The following key amendments are proposed for the regulations for special events, which are not provided the same constitutional protections as expressive activity:

1. Addition of a definition of special event as walks, runs, celebrations, ceremonies and other such events that are not within the definition of expressive activity.
2. Designation of areas where special events are permissible.
3. Incorporation of all the regulations for expressive activities making them applicable to special events.
4. Reaffirmation that all special events require a permit, indemnity and insurance obligations, payment of a permit fee, and reimbursement of all costs incurred by the District in connection with the special event.

### **Fiscal Impact**

The District will continue to incur costs for managing the use of District property for expressive activities that are not reimbursed. No new or additional costs are anticipated as a result of enactment of the proposed amendments. The District will continue to receive reimbursement for costs incurred by the District for managing the use of District property for special events.

Attachment

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

ORDINANCE NO. 2009-\_\_\_\_\_

AN ORDINANCE AMENDING MASTER ORDINANCE 2007 REGARDING USE OF THE DISTRICT PROPERTIES FOR EXPRESSIVE ACTIVITIES AND SPECIAL EVENTS

February 27, 2009

THIS ORDINANCE is adopted with reference to the following facts and circumstances which are found and declared by the Board of Directors:

A. District

1. The Golden Gate Bridge, Highway and Transportation District ("District") is a special district formed pursuant to California Streets and Highways Code Sections 27000, et. seq., and its mission is to provide safe and reliable operation, maintenance, and enhancement of the Golden Gate Bridge ("Bridge") and to provide transportation services for customers within the U.S. Highway 101 Golden Gate Corridor.

2. The District owns, operates, or manages property on which it permits expressive activity and special events to be conducted, including the sidewalks on the Bridge, public areas near the Bridge, and public areas at its bus and ferry facilities ("District Property").

3. The District has adopted reasonable time, place, and manner regulations to regulate expressive activity conducted on District Property that balance the public's opportunity to engage in expressive activity with the District's obligation to ensure that District Property is as safe and secure as reasonably possible for all who use it and that the expressive activity does not impede or interfere with District operations on its property, including the free flow of pedestrian, bicycle, or vehicular traffic.

4. The District incurs costs directly related to expressive activity on District Property. However, because the District desires to reasonably accommodate expressive activities on District Property, the District has determined not to impose charges at this time to reimburse the District for personnel and other costs incurred in managing and overseeing expressive activities.

B. Golden Gate Bridge and Adjacent Areas

1. The Bridge is a vital transportation link in California's state highway system providing the only vehicular direct connection between the County of Marin and the City and County of San Francisco.

2. The Bridge is unique because it is one of the few highway bridges that has a sidewalk open to pedestrian and bicycle traffic.

3. The Bridge also is unique because of the lack of shoulders for its lanes, its relatively tight curves at both the north and south end of the Bridge, and its changing lane configuration that accommodates up to four lanes of traffic in the peak direction during peak periods.

4. Due to its status as a top tourist destination as well as its status as the only physical link between the City and County of San Francisco and Marin County, the volume of vehicular, bicycle, and pedestrian traffic on the Bridge fluctuates dramatically during the day, and increases significantly in

the afternoons during weekends and holidays and in the morning and afternoon commute times during the work week.

5. The sidewalks on and leading to the Bridge are in close proximity to vehicular traffic, are frequently congested with large amounts of pedestrians and bicyclists, and during certain time periods use of the east sidewalk is shared by both pedestrians and bicyclists.

6. The weather at the Bridge is unpredictable and changes rapidly in a short period of time, with dense fog and drizzle limiting visibility and strong winds often present.

7. The District has implemented a number of measures to enhance the safety for all who use the Bridge, such as lowering the speed limit to 45 miles per hour, implementing LIDAR speed enforcement on the Bridge, working closely with the California Highway Patrol ("CHP") for traffic enforcement on the Bridge, constructing a pedestrian safety railing, and pursuing the construction of a suicide deterrent and a moveable median barrier.

8. Pursuant to Senate Bill No. 988, which became effective January 1, 2007, the California Legislature designated the Bridge as a Safety Awareness Zone.

9. With approximately 40 million vehicles crossing the Bridge annually and an estimated 10 million people visiting the Bridge each year, the District is continually evaluating and implementing measures to advance the safety and security of the people using the Bridge and to ensure the safe and unimpeded flow of vehicular, pedestrian, and bicycle traffic across the Bridge.

10. The sidewalks on and leading to the Bridge have very different characteristics than traditional public fora, such as parks and playgrounds and even city sidewalks. Once persons are on the sidewalks to the Bridge (a) there are no alternative routes for vacating the sidewalks; (b) the sidewalks do not have a shoulder or other passageway for pedestrians to avoid crowds; and (c) the sidewalks are bordered by moving vehicular traffic on one side and the Bridge outside railing on the other.

11. The presence of organized groups whose primary purpose is to attract the attention of others using the Bridge, including pedestrian, bicycle, and vehicular traffic, significantly increases (a) safety and security concerns that are already present due to the unique characteristics of the Bridge; and (b) concerns about maintaining the free flow of vehicular, pedestrian, and bicycle traffic to enable the Bridge to remain open and unimpeded for its primary transportation uses.

12. The presence of organized groups holding signs and props (as defined herein) on Bridge sidewalks and areas immediately adjacent to the Bridge roadway depending on their size, number, location, construction, and manner of display can distract and obstruct the vision necessary of motorists for traffic safety and otherwise endanger the safety, security, and welfare of all who use the Bridge. Furthermore, the presence of organized groups playing drums or other musical instruments on the Bridge sidewalks can significantly increase safety risks for all who use the Bridge by limiting the ability to effectively manage crowd control and by restricting the ability to communicate with all persons on the Bridge in the event of an emergency or accident.

13. In 2006, the District, on a temporary demonstration basis, extended the time period allowed for expressive activity on the Bridge sidewalks from 12:00 p.m. to 2:00 p.m. on weekends and holidays. Based on the experience with expressive activities during this extended time period, the District learned that expressive activity with small numbers of participants (e.g. less than 50) had some, but not significant, impacts on vehicular and pedestrian traffic congestion. However, expressive activity with larger numbers of participants had substantial impacts on vehicular and pedestrian traffic congestion. The safety and security risks of those on the Bridge directly correlate with the volume of vehicular, bicycle, and pedestrian traffic on the Bridge. Because there have been only a small number of

expressive activities on the Bridge sidewalks with more than 50 participants from 12:00 p.m. to 2:00 p.m., the District wants to continue to monitor and evaluate the safety and security risks associated with expressive activity on the Bridge sidewalks during this extended time period, and therefore the District will extend this temporary demonstration program and will continue to grant permits for expressive activity on the Bridge sidewalks until 2:00 p.m. on weekends and holidays pending further study.

14. On January 2, 2008, the CHP informed the District that the CHP has designated certain holidays and adjacent weekend days as statewide maximum enforcement periods and that during these periods fewer CHP personnel are available to be assigned to a particular special event or expressive activity. The District evaluated these CHP maximum enforcement periods in connection with the security and safety concerns on the Bridge sidewalks and District Property located near the Bridge and determined that expressive activity and special events during certain times of the day during four of the six CHP maximum enforcement periods would create unusually high safety and security risks because of the significantly high volume of traffic on the Bridge and District Property located near the Bridge coupled with the limited availability of District and other law enforcement personnel due to security needs throughout the Bay Area. Therefore, the District will grant permits for expressive activity on the Bridge Sidewalks and on designated District Property located near the Bridge, such as near the Strauss Statue and the flagpole, but only until 11:00 a.m. during these maximum enforcement periods.

15. The Golden Gate Bridge Toll Plaza area ("Toll Plaza") is a particularly sensitive location where safety concerns are heightened due to the rapidly expanding and narrowing of traffic lanes that requires vehicular traffic to merge quickly after passing through the Toll Plaza in both north and south bound directions. Additionally, the Toll Plaza traffic travels at a mix of speeds based on whether the toll payer must stop to pay with cash or simply slow to pay by electronic toll collection. There is also a major transit stop just south of the Toll Plaza toll booths and an exit to Merchant Road immediately following the transit stop. The presence of organized groups directly adjacent to the Toll Plaza whose purpose is to attract the attention of drivers of vehicular traffic exponentially increases the risk of vehicular accidents in this area. The Federal Highways Administration February 28, 2007 Memorandum on safety issues related to use of acknowledgement and advertising signs on toll facilities emphasizes the safety and operational issues that exist at toll plaza areas and concludes that acknowledgement and advertising signs are not acceptable at toll plaza areas.

### C. Transit Facilities

1. The District's bus and ferry properties are critical transit facilities with the primary purpose of transporting passengers within the North Bay and between the North Bay and San Francisco. The presence of organized groups whose primary purpose is to attract the attention of people using District Property other than the Bridge and its sidewalks, such as the District's transit facilities, presents concerns about maintaining the free flow of vehicular, bicycle, and pedestrian traffic so that the transit facilities remain open and unimpeded for their primary transportation uses and ensuring the safety and security of all who use these often crowded and congested transit facilities.

2. The Stephan C. Leonoudakis Ferry Terminal ("SF Ferry Terminal") is located on Pier 2, on property owned by the City and County of San Francisco, behind the San Francisco Ferry Building. The City and County of San Francisco leases most of the Gandhi Plaza Area on Pier 2 that is adjacent to the SF Ferry Terminal for the operation of a farmer's market on Saturdays. The presence of organized groups on property controlled by the District on the plaza area adjacent to the SF Ferry Terminal during the operation of the farmer's market would obstruct and interfere with the free flow of pedestrian traffic to and from the SF Ferry Terminal and create significant safety and security risks. Therefore, expressive activity and special events are prohibited in this narrow and small area during the operation of the farmer's market. However, the public area on the upstairs level on top of the paid passenger waiting area of the SF Ferry Terminal is available for expressive activity during the operation of the farmer's market. The presence of organized groups holding signs and props on the upstairs level

of the SF Ferry Terminal, depending on size, number, construction, and manner of display of the signs and props, can endanger the safety of the people on the plaza area below and can cause substantial damage to the District's ferries if they are thrown, fall, or blown off of the upstairs level of the SF Ferry Terminal and therefore are subject to reasonable regulation.

3. The Larkspur Ferry Terminal parking lot operates at capacity during the weekdays until approximately 4:00 p.m. on weekdays when the District is not providing ferry service to the San Francisco Giants Ball Park and until approximately 7:00 p.m. on weekdays when the District provides ferry service to the San Francisco Giants Ball Park for baseball games and other events. Therefore no person who is engaging in expressive activity or special events may park in the Larkspur Ferry Terminal parking lot before these times on weekdays. Furthermore, the portion of the Larkspur Ferry Terminal parking lot that is parallel and adjacent to Sir Francis Drake Boulevard is very close to the vehicular roadway and the presence of organized groups holding signs and props immediately adjacent to the roadway can distract and obstruct the vision necessary of motorists for traffic safety and otherwise endanger the safety of the motorists and bicyclists on Sir Francis Drake Boulevard and the pedestrians on the sidewalks and on the portion of the parking lot near the roadway and therefore signs and props in this area are subject to reasonable regulation.

4. The District Administration Building at the Santa Rosa Bus Facility includes a public passenger waiting area. After a thorough evaluation, the District determined that a small portion of this limited space can be used for expressive activity provided that time, place, and manner restrictions are imposed to ensure the safety of people inside the public passenger waiting area and the free flow of pedestrian traffic and to enable passengers to hear boarding announcements.

5. The San Rafael Transportation Center is located in an area of high vehicular traffic, and its unique configuration with four narrow and often congested boarding platforms and with vehicular traffic constantly traveling between the boarding platforms creates significant public safety and security concerns as well as concerns regarding the free flow of pedestrian traffic on and between the platforms. The presence of organized groups, even relatively small groups, who have the primary purpose of attracting the attention of drivers and pedestrians in and near the San Rafael Transportation Center, during both peak and non-peak commute times, substantially increases the risk of injury or damage to property and also could prevent passengers from hearing boarding announcements. Therefore, reasonable time, place and manner regulations are necessary for expressive activity at the San Rafael Transportation Center.

6. The Sausalito Ferry Terminal, the Novato Bus Facility, and the San Francisco Bus Yard do not have any areas that are generally open to the public and therefore no expressive activity is allowed at these facilities.

7. The District's public parking lots, other than the east parking lot adjacent to the Toll Plaza near the Strauss Statue ("East Parking Lot"), operate at capacity during the weekdays, and due to safety and security concerns may not be used for expressive activity or special events during the weekdays. However certain designated portions of these parking lots can be made available for expressive activity and special events on weekends and holidays. The East Parking Lot is a major vehicular, bicycle, and pedestrian thoroughfare, with constantly moving traffic, and is used for temporary parking of buses with large tour groups. Furthermore, the East Parking Lot is directly adjacent to areas where expressive activity is permitted. Due to the substantial risk of injury to persons and property, the East Parking Lot is not available for expressive activity or special events at any time.

D. Regulations Generally

1. The District desires to implement regulations that will enable different individuals and organizations with a diversity of viewpoints to have access to District Property to engage in expressive activity. In the interest of fairness to all who may desire to avail themselves of such an opportunity, the District proposes to place limits on the number of permits a person or organization may hold at any one time. At the same time, the District proposes to relax its permit requirement by reducing the number of days in advance a person or organization must submit a request for a permit and by eliminating the permit requirement altogether to allow for expressive activity for groups with less than 50 participants who are not carrying any sign, prop, or musical instrument, and who engage in expressive activity on the Bridge sidewalks or on other designated public areas near the Bridge, such as near the Strauss Statue.

2. The District desires to incorporate its regulations into this Ordinance, and amend and update them to further the District's purpose of enabling District Property to be used at all times for its primary transportation purpose in a safe, secure, and unobstructed way while continuing to allow District Property to be used concurrently as a forum for expressive activity.

3. The District also desires to incorporate its regulations governing the use of District Property for special events, which are not provided the same constitutional protections as expressive activity, into this Ordinance, and to amend and update them to allow for the use of District Property for special events in a manner that ensures that District Property will be accessible at all times for its primary transportation purposes in a safe, secure, and unobstructed way and to provide that the costs incurred by the District due to special events are recovered so that those costs are not subsidized by District customers.

4. After carefully considering all of the foregoing recitals, the Board finds and determines that the following regulations are intended to and will serve appropriately to balance security and public safety considerations with the public's interest in utilizing District facilities for engaging in expressive activities. These regulations also are intended to provide content neutral, narrowly tailored standards for regulating expressive activity on District Property. The following regulations also are appropriate and reasonable for managing special events on District Property.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE GOLDEN GATE BRIDGE, HIGHWAY, AND TRANSPORTATION DISTRICT AS FOLLOWS:

Section 1. The Board hereby replaces in its entirety Section I, "General Provisions," Subsection F, "Regulations Pertaining to Use of District Properties for Expressive Activities" of Master Ordinance 2007 with the following:

**F. REGULATIONS PERTAINING TO USE OF DISTRICT PROPERTIES FOR EXPRESSIVE ACTIVITIES.**

**1. Definitions**

(a) **Expressive Activity.** For purposes of this Master Ordinance, "Expressive Activity" means verbal, visual, literary, or auditory speech, communication, or conduct that is intended to convey a political, religious, philosophical, or ideological opinion, view, or message that likely would be understood by those who see or hear the speech, communication, or conduct to be such an opinion, view, or message. Expressive Activity includes, for example, demonstrating, protesting, marching, assembling, distributing written materials, and holding signs.

(b) **District Property.** For purposes of this Master Ordinance, “District Property” means property owned, controlled, or leased by the District.

## 2. **Locations Where Expressive Activity is Prohibited and Permitted.**

(a) **Expressive Activity Prohibited in Specified Areas.** No person shall conduct or participate in Expressive Activity in or on any of the following areas of District Property: (1) on any bus or ferry; (2) inside the paid passenger waiting areas of the Sausalito, Larkspur, and San Francisco Ferry Terminals; (3) on the Golden Gate Bridge, including the approaches, Toll Plaza, and roadways, except as shown on Exhibit A; (4) on roadways or rights of way at other facilities owned or controlled by the District; (5) on the sidewalks immediately adjacent to the Toll Plaza; or (6) in or on workshops, offices, maintenance facilities, storage areas, garages or, except as provided in Section I.F.2(b) below, parking lots.

(b) **Expressive Activity Permitted in Certain Areas.** Expressive Activity may be conducted in or on any of the following public areas of District Property only after the participants first obtain a permit issued by the District, except as provided in Section I.F.3: (1) designated public areas of bus or ferry facilities; (2) the sidewalks on the Bridge (“Bridge Sidewalks”); (3) designated public areas on property located near the Bridge, including the plaza area and paths near the Strauss Statue, as shown on Exhibit A; and (4) certain designated areas in specific parking lots on weekends and holidays.

(c) **Maps of Designated Areas.** The areas where Expressive Activity is permitted and prohibited on District Property are designated on the maps attached to this Ordinance as Exhibit A.

## 3. **Exceptions to Permit Requirement.**

(a) **Expressive Activity on Bridge Sidewalks and on Public Areas on Property Located Near the Bridge.** An exception from the permit requirement is allowed for Expressive Activity that (1) is on Bridge Sidewalks or on other designated public areas near the Bridge that are depicted on Exhibit A; (2) involves less than 50 participants; and (3) provided that no participant may carry a sign, prop, or musical instrument of any kind. All participants engaging in Expressive Activity must comply with all the General Regulations set forth in Section I.F.6 and, for Expressive Activity on the Bridge Sidewalks, the Special Regulations set forth in Section I.F.7, subsections (a) and (b). All Expressive Activity on the Bridge Sidewalks or on other designated public areas near the Bridge that are depicted on Exhibit A that involves holding signs, props, or musical instruments requires a permit regardless of the number of the participants. This exception from the permit requirement does not apply to Expressive Activity on the Bridge Sidewalks when the Bridge Sidewalks are closed to pedestrians because no Expressive Activity is allowed on the Bridge Sidewalks when they are closed to pedestrians.

(b) **Expressive Activity in all other public areas on District Property** requires a permit issued by the District.

(c) **Only one Expressive Activity is allowed at the same location at the same time.** Expressive Activity for which a permit has been issued by the District will take precedence over Expressive Activity for which a permit has not been issued. The General Manager is authorized to develop and implement rules and regulations for handling situations when more than one group desires to engage in Expressive Activity at the same location at the same time and when a permit is not required.

4. **Permit Application Process.** The following procedure applies to all Expressive Activity that requires a permit:

(a) Requests for Expressive Activity permits must be submitted at least four (4) business days prior to the date the Expressive Activity will take place. Business days for purposes of this section means Monday through Friday, excluding all holidays recognized by the State of California. Applicants are encouraged to request a permit for Expressive Activity with as much advance notice prior to the activity as feasible but no more than eighteen months prior to the date of the Expressive Activity.

(b) Requests for Expressive Activity permits must be submitted in writing and provide the following information: (1) the name, address and telephone number of the person or organization proposing to conduct the Expressive Activity; (2) the purpose or subject of the proposed activity; (3) the date, time and location of the proposed activity; (4) the approximate number of persons who will participate in the proposed activity; (5) the duration of the proposed activity (not to exceed 2 hours); (6) if the Expressive Activity will involve signs or props (as defined in Section I.F.7), the number, size, and nature of the signs or props; and (7) other information to enable the District to coordinate with the applicant and manage the Expressive Activity to ensure the free flow of vehicular, bicycle, and pedestrian traffic, and the safety and security of all who use District Property. All information submitted must be true and correct.

(c) If the person or organization requesting an Expressive Activity permit also intends to capture or record any images (still photography or video footage) for any form of commercial use, a separate filming or photography permit is required pursuant to Section H of this Master Ordinance.

5. **Review of Permit Applications.**

(a) No later than 48 hours before the proposed Expressive Activity for which a completed written request for a permit has been submitted, the General Manager, or designee, shall grant the permit if the request complies with the requirements of Section I.F.4 above, and provided that there is not a previously scheduled event for the use of the District Property on the same date, and further provided that there is not an overriding unique safety or security concern that warrants the denial and cancellation of all permits during that time period, such as a heightened security level.

(b) Only one permit for Expressive Activity will be issued per day per facility. For purposes of Section F of the Master Ordinance, "per facility" means the following six District facilities: (1) the Bridge Sidewalks and all other designated public areas near the Bridge; (2) San Francisco Ferry Terminal; (3) Larkspur Ferry Terminal and parking lot; (4) Santa Rosa Bus Facility and parking lot; (5) San Rafael Bus Facility and parking lot; and (6) San Rafael Transportation Center.

(c) A permit will be granted for one date only. A person or organization requesting an Expressive Activity permit may not hold multiple permits for future Expressive Activities. The District will grant only one Expressive Activity permit at a time to a particular person or organization, and that person or organization may not request another Expressive Activity permit until after the completion of the Expressive Activity for which a permit has been granted.

(d) Permits for Expressive Activity on the Bridge Sidewalks will not be issued (1) when the Bridge Sidewalks are closed to pedestrians; (2) on weekdays from

6:00 a.m. - 10:00 a.m. and 4:00 p.m. - 7:00 p.m.; or (3) on weekends and holidays from 2:00 p.m. to 11:59 p.m.

(e) Permits for Expressive Activity on the Bridge Sidewalks or on the designated public areas on property located near the Bridge will be issued only from the time the Bridge Sidewalks are open to pedestrians until 11:00 a.m. on following days: (1) Memorial Day and the Saturday and Sunday preceding it; (2) Independence Day and the adjacent weekend days if Independence Day is on a Friday or Monday; (3) Labor Day and the Saturday and Sunday preceding it; and (4) New Year's Day.

(f) The General Manager, or designee, may impose conditions upon the permit necessary to avoid injury to persons or property or to assure the safe and orderly use of District Property. Such conditions may include but are not limited to: (1) limitations on the number of persons who may participate in the proposed activity; (2) specifications of the time and duration of such activity; (3) manner in which the activity is conducted.

(g) The person signing the permit must be present at all times during the Expressive Activity and, before the commencement of the Expressive Activity, must inform the District's Security Office when he or she arrives on the District Property.

**6. General Regulations for Expressive Activity on All District Property.** Expressive Activity on all District Property, whether or not a permit is required, must comply with these General Regulations:

(a) No person may (1) interfere with or disrupt the ability of District employees or contractors from conducting District business; or (2) harass, threaten, or coerce any person.

(b) No person may engage in any activity that willfully disrupts or obstructs vehicular or vessel traffic on or near District Property or willfully interferes with pedestrian or bicycle traffic on District Property, including but not limited to sidewalks, pathways, and parking lots.

(c) No person may interfere with or disrupt any person from entering, exiting or accessing any transit terminal, vehicle or vessel, ticketing area, passenger waiting area, tenant facilities, stores, or passenger service areas or amenities.

(d) No person may engage in Expressive Activity if the national security level rises above "yellow" or "MARSEC Level 1" (significant risk of terror attack), or if any similar federal, state or local security alert is issued.

(e) No person may engage in Expressive Activity that exceeds two (2) hours in duration.

(f) No person may attach anything to any District Property.

(g) No person may carry an object that is a weapon, or that looks like or reasonably could be confused with a weapon, including but not limited to firearms, knives, and clubs, on District Property, except for peace officers, military personnel, and other law enforcement officers as expressly authorized by law.

(h) All persons engaging in Expressive Activity must remove all materials, supplies, signs, props, pamphlets, trash, debris, and all other items brought onto District Property, and must clean up all areas where the Expressive Activity took place.

(i) The District or any law enforcement agency may stop an Expressive Activity at any time to prevent injury or damage to persons or property, or to prevent the willful interference with the free flow of vehicular, vessel bicycle, or pedestrian traffic.

(j) The General Manager or designee has the authority to temporarily stop or prohibit any Expressive Activity in unusual circumstances, such as threats to safety and security.

**7. Special Regulations for Expressive Activity Permitted on the Bridge Sidewalks.** Because of the unique characteristics of the Bridge as determined in the findings to this Ordinance No. 2009-\_\_\_\_, the time, place, and manner regulations established for Expressive Activity on the Bridge Sidewalks require additional limitations, as set forth below. Expressive Activity may be conducted on Bridge Sidewalks only after the participants first obtain a permit issued by the District, except as provided by Section I.F.3(a). All Expressive Activity on Bridge Sidewalks must comply with the General Regulations established in Section I.F.6, in addition to the following Special Regulations:

(a) All persons must walk on the Bridge Sidewalks in a safe and orderly manner and remain on the Bridge Sidewalks at all times. No person will hold any object over any portion of the vehicular roadway or over the railing of the Bridge Sidewalks.

(b) No person may carry or use bull horns or sound amplification devices on the Bridge Sidewalks.

(c) No more than a combined total number of 50 signs or props are allowed at one time on the Bridge Sidewalks. For purposes of this Section I.F. of the Master Ordinance, the term "sign" includes signs, flags, and banners. No sign may be larger than 3 feet x 2 feet. For purposes of this Section I.F. of the Master Ordinance, the term "prop" includes any device, display, or item that is used to direct or attract attention to the object or to a person, or any other item that is intended to convey a political, religious, philosophical, or ideological message, such as boxes, drums, tambourines, musical instruments, paper mache, puppets, cardboard cutouts, and similar items. Standard and unaltered backpacks, purses, camera bags, and coolers, for example, are not considered props, unless they are used to direct or attract attention or to convey a political, religious, philosophical, or ideological message. No prop may be larger than a combined length, height, depth of forty-eight (48) inches (e.g. 24 inches x 12 inches x 12 inches) or larger than a twenty-four (24) inch circumference. All signs and props must be handheld; they may not be attached or mounted to poles, sticks, or other devices that are used to hold the signs or props. Each sign or prop must be able to be safely and securely held or worn by one person for the entire duration of the Expressive Activity. No prop or sign regardless of size will be held by more than one person. No more than 6 participants engaging in the Expressive Activity will play or hold drums, tambourines, or other similar sized and noise producing instruments. Each drum must be able to be held safely and securely in one hand and hit with the other hand. No other musical instruments may be played on Bridge Sidewalks. No other props or signs are allowed.

(d) For Expressive Activity involving more than 100 participants, participants must walk side-by-side in two single file lines at all times.

**8. Special Regulations for Expressive Activity Permitted at Transit Facilities.**

Because of unique characteristics of the District's transit facilities, the time, place and manner regulations established for Expressive Activity at the transit facilities require additional limitations as set forth below. All Expressive Activity at the District's transit facilities must comply with the General Regulations established in Section I.F.6, in addition to the following Special Regulations specific to each transit facility:

(a) Stephan C. Leonoudakis Ferry Terminal in San Francisco

(i) No person may engage in Expressive Activity on the plaza level around the ferry terminal on Saturdays between 7:30 a.m. and 2:00 p.m. during the farmer's market.

(ii) The regulations pertaining to signs and props for Expressive Activity on the Bridge Sidewalks established in Section I.F.7(d) apply to all Expressive Activity in the public area on the second level of the Ferry Terminal.

(b) Larkspur Ferry Terminal

(i) No person who is engaging in Expressive Activity at the Larkspur Ferry Terminal may park in the Larkspur Ferry Terminal parking lot Monday through Friday, excluding holidays recognized by the State of California, before 4:00 p.m. on days when the District is not providing ferry service to the San Francisco Giants Ball Park, or before 7:00 p.m. on days when the District is providing ferry service to the San Francisco Giants Ball Park.

(ii) The regulations pertaining to signs and props for Expressive Activity on the Bridge Sidewalks established in Section I.F.7(d) apply to all Expressive Activity that takes place in the approximate ten (10) foot wide area of the Larkspur Ferry Terminal parking lot that is parallel and adjacent to Sir Francis Drake Boulevard.

(c) Santa Rosa Bus Facility

(i) No more than three (3) people may engage in Expressive Activity in the designated area in the passenger waiting area inside the administration building at the Santa Rosa Bus Facility ("Inside Area").

(ii) The regulations pertaining to the size and manner of carrying signs and props for Expressive Activity on the Bridge Sidewalks established in Section I.F.7(d) will apply to all Expressive Activity that takes place in the Inside Area and the total number of signs and props is limited to the number of people engaging in Expressive Activity.

(iii) No person may use any sound amplification device or play any musical instrument in the Inside Area.

(d) San Rafael Transportation Center

(i) No person may carry or use bullhorns or sound amplification devices at the San Rafael Transportation Center.

(ii) The regulations pertaining to the size and manner of carrying signs and props for Expressive Activity on the Bridge Sidewalks established in Section I.F.7(d) will apply to all Expressive Activity that takes place at the San Rafael Transportation Center.

(iii) During high traffic periods (which is defined as 7:00 a.m. - 7:00 p.m. seven days a week), the following regulations for Expressive Activity apply on each of the four (4) bus boarding platforms:

- Platforms A and B - No more than 6 people per platform may engage in Expressive Activity and each person may carry a sign or prop.
- Platform C - No more than 3 people may engage in Expressive Activity and no person may carry a sign or prop.
- Platform D - No more than 6 people may engage in Expressive Activity and each person may carry a sign or prop.
- Platform D Inside Terminal Building - No more than 3 people may engage in Expressive Activity and no person may carry a sign or prop.

(iv) During all other periods (which are all times other than high traffic periods as defined above), the maximum number of people who may engage in Expressive Activity on Platforms A, B, and the outside portion of Platform D is increased to 12 people per those three platforms and each person may carry a sign or prop. In addition, one (1) table no larger than 3 feet x 6 feet may be used in a location designated by the District based on the volume of traffic during the time requested.

**9. Violations of Permit for Expressive Activity or Failure to Comply with the Requirements of Section I.F of the Master Ordinance.** If the conditions of a permit for Expressive Activity are violated or if the requirements of this Section I.F of the Master Ordinance are not complied with (collectively, “Violations”), the District may immediately revoke the permit and take action to prevent and stop the Violations. Furthermore, the District may deny requests for future permits for Expressive Activity to individuals or groups involved in Violations and the District may deny access to all District Property, including the Bridge Sidewalks, for purposes of engaging in Expressive Activity to any person involved in a Violation for a period of six (6) months from the date of the Violation. In addition, any person who is involved in a Violation will be subject to the sanctions and penalties of all applicable statutes, including but not limited to California Streets and Highways Code sections 27174.1, 27174.2, and 27176.

Section 2. The Board hereby replaces in its entirety Section I, “General Provisions,” Subsection G, “Procedure for Use of District Facilities for Special Events, Filming, and Other Commercial Purposes,” Subsection 1, “Special Event Permits” of Master Ordinance 2007 with the following:

## **1. SPECIAL EVENT PERMITS**

(a) **Definition of Special Event.** For purposes of this Master Ordinance, “Special Event” means runs, walks, celebrations, ceremonies, and other similar events, which are not Expressive Activity as defined under Section F.1 of this Master Ordinance.

(b) **Locations Where Special Events are Prohibited and Permitted.**

(i) **Special Events Prohibited in Specified Areas.** No Special Events are allowed in or on any of the following areas of District Property: (1) on any bus or ferry; (2) inside the paid passenger waiting area of the Sausalito, Larkspur, and San Francisco Ferry Terminals; (3) on the sidewalks immediately adjacent to the Toll Plaza; or (4) in or on workshops, offices, maintenance facilities, storage areas, garages, or parking lots, except as provided in Section I.G.1(b)(ii) below.

(ii) **Special Events Permitted in Certain Areas.** Special Events may be conducted in or on any of the following public areas of District Property: (1) designated public areas of bus or ferry facilities; (2) the sidewalks on the Bridge ("Bridge Sidewalks"); (3) designated public areas on property located near the Bridge, including the plaza area and paths near the Strauss Statue, as shown on Exhibit A; and (4) certain designated areas in specific parking lots on weekends and holidays.

(iii) **Maps of Designated Areas.** The areas where Special Events are permitted and prohibited on District property are designated on the maps attached to this Ordinance as Exhibit A.

(c) **Permit Required for All Special Events.** No person may conduct or participate in a Special Event unless the District has first issued a permit for the Special Event. The General Manager for the District will establish procedures for applying for and issuing Special Event permits.

(d) **Fees for Special Events.** The Special Event permittee must pay to the District a fee that covers all costs incurred by the District in connection with the Special Event, including costs involved with issuing the permit, planning and coordinating the Special Event, and managing and overseeing the Special Event to ensure the safety and security of all who use the District Property, and to ensure the unimpeded flow of vehicular, bicycle, and pedestrian traffic on and through District Property.

(e) **Special Event Regulations.** All Special Events must comply with all the following regulations:

1. The General Regulations for Expressive Activity on All District Property established in Section I.F.6 of this Master Ordinance, and if the Special Event will occur on the Bridge Sidewalks, the Special Regulations for Expressive Activity Permitted on the Bridge Sidewalks established in Section I.F.7 of this Master Ordinance and if the Special Event will occur in or on the District's transit facilities, the Special Regulations for Expressive Activity Permitted at Transit Facilities established in Section I.F.8 of this Master Ordinance.

2. The indemnity, insurance, waiver, and release of liability requirements specified by the District, which will be approved by the General Manager or designee and the Attorney for the District.

3. Any other conditions imposed by the District on the Special Event.

4. If the person or organization requesting a Special Event permit also intends to capture or record any images (still photography or video footage) for

any form of commercial use, a separate filming on photography permit is required pursuant to Section H of this Master Ordinance.

(f) **Violations of Special Event Permit.** If the conditions of a permit for a Special Event are violated or if the requirements of this section of the Master Ordinance are not complied with (collectively, "Violations"), the District may immediately revoke the permit and take action to prevent and stop the Violations. Furthermore, the District may deny requests for future permits for Special Events to individuals or groups involved in Violations for a period of six (6) months from the date of the Violation. In addition, any person who is involved in a Violation will be subject to the sanctions and penalties of all applicable statutes, including but not limited to California Streets and Highways Code sections 27174.1, 27174.2, and 27176.

**Section 3.** The effective date of this Ordinance shall be March 1, 2009.

**Section 4.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions or application of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

ADOPTED this 27th day of February, 2009 by the following vote of the Golden Gate Bridge, Highway and Transportation District Board of Directors.

AYES ( ):

NOES ( ):

ABSENT ( ):

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President, Board of Directors

ATTEST:

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Secretary of the District

## EXHIBIT A

Maps of the following areas showing where Expressive Activity is prohibited and permitted:

1. Bridge Sidewalks, Toll Plaza Area, Strauss Statue plaza and paths and parking lot on west side of Toll Plaza
2. San Francisco Ferry Terminal
3. Larkspur Ferry Terminal and parking lot
4. Santa Rosa Bus Facility and parking lot
5. San Rafael Bus Facility and parking lot
6. San Rafael Transportation Center

**EXHIBIT A MAPS  
WILL BE PROVIDED  
AT THE MEETING**