



Agenda Item No. 1

To: Rules, Policy and Industrial Relations Committee/Committee of the Whole  
Special Meeting of Friday, September 25, 2009

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

Subject: **APPROVE AMENDMENTS, CLARIFICATIONS AND TECHNICAL CHANGES TO MASTER ORDINANCE 2009 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 and amending *Master Ordinance 2009* regarding the use of District property for expressive activities and special events.

This matter will be presented to the Board of Directors at its September 25, 2009 meeting for appropriate action.

### **Summary**

On February 27, 2009, the Board of Directors enacted the Master Ordinance 2009, which amended Master Ordinance 2007 regarding the use of District property for expressive activities and special events. That updated ordinance has now been in effect for more than six months. The opportunity to observe application of the updated ordinance in practice during this period has prompted staff to recommend that the Board consider: (1) supplementation of certain findings that underlie the Board's actions; and, (2) adoption of various technical clarifications and amendments to the updated ordinance.

### **Background**

It is the District's policy to accommodate expressive activities to the extent feasible taking into account the District's overarching safety, operational and security needs. To the extent possible, the District allows the public to engage in expressive activities on District property so long as the activities do not compromise the District's business and operations, user and staff safety and District security. These principles are codified in a comprehensive District ordinance which governs expressive activities, as well as special events, conducted on District property. Day-to-day implementation of the ordinance, including its oversight, management and enforcement, fall under the jurisdiction of the General Manager and her designees. At this time the Board desires to confirm that the General Manager has the authority to enact rules and regulations to effectuate the goals of the ordinance.

The proposed amendments to the updated ordinance address the following subjects:

1. Expansion of number of events per day at each facility and refinement of hours of permitted events

Staff and the Attorney propose two substantive changes to the updated Ordinance. These concern the number of events that can occur on any given day at any given District facility and the timing of weekday expressive activities and special events on the Bridge sidewalks.

The District has in past practice permitted only one permitted expressive activity per day per District facility for various safety and operational reasons. In particular, the District is concerned that having more than one event per day will place an undue burden on the District's ability to effectuate its transportation purpose, and that it is uncertain as to whether sufficient law enforcement oversight will be available for multiple events. The District is cognizant, however, that there have been requests for more than one permitted event per day per facility. Thus, Staff believes that the updated ordinance's prohibition against more than one expressive activity or special event per day per District facility warrants review and study.

Therefore, in the interest of continuing its effort to accommodate expressive activity at District facilities as is feasible given the District's safety, operational and security concerns, the Board seeks to relax this rule on a temporary demonstration basis. Staff recommends that the District allow up to two permitted expressive activities per day per facility so long as there is a break of at least 60 minutes in between each permitted activity. During this demonstration program, the District will monitor the frequency of requests received for multiple events in one day. It will also evaluate whether two events per day unduly strains District operations and whether adequate law enforcement resources are available for these events.

As for the timing of weekday events on the Bridge sidewalks, before the adoption of the updated ordinance, the District's long-standing practice had been not to issue permits for expressive activities on the Bridge Sidewalks on weekdays after 2:00 p.m. Since the adoption of the updated ordinance, which inadvertently allowed events until 4:00 p.m. on weekdays, the District has issued one permit for an expressive activity on the Bridge Sidewalks on a weekday between 2:00 p.m. and 4:00 p.m. Unfortunately, that expressive activity resulted in a very significant disruption to vehicular traffic on the Bridge and its approaches and to activities on the Bridge Sidewalks, and therefore created significant risk of injury to persons and damage to property. Moreover, the District received many complaints about that disruption. Thus, staff now recommends an amendment to restore the past practice of not issuing permits on weekdays after 2:00 p.m. in light of the substantial impact on traffic congestion and increased safety and security risks to those on the Bridge during that time.

2. Findings pertaining to sticks and poles prohibition

Staff and the Attorney note that the updated ordinance does not include specific findings with regard to the prohibition on signs and props being attached to or mounted on poles, sticks or other devices on the Bridge sidewalks. This prohibition has long been in force on Bridge sidewalks, and Staff and the Attorney recommend that the Master Ordinance be clarified with the inclusion of the following supporting facts.

The Bridge sidewalks are heavily used by pedestrians, bicyclists, commuters, and those wishing to engage in expressive activities. The Bridge sidewalks are also narrow, and leave very little room for these various users to get by one another. These users are traveling in different directions at different speeds. Others are stationary and taking in the view. The Bridge sidewalks are often extremely windy. If signs were held out or up in the air, there is a strong possibility that the signs would catch the wind and sticks, poles and other devices might come into contact with other Bridge users. In light of these circumstances, poles and sticks pose safety and health hazards to all users of the Bridge sidewalks. Additionally, sticks, poles and other such devices make it easier for signs to cross over from the Bridge sidewalks into the Bridge roadway, causing a very dangerous distraction for drivers. The roadway lanes on the Bridge roadway are approximately 10 feet wide. It is often windy and foggy. These conditions compromise visibility and present challenges even without distraction from the Bridge sidewalks. Thus, when signs break the plane formed by the pedestrian safety rail and enter the Bridge roadway, the possibility for distraction is very real and compromises driver safety.

### 3. Violations

In view of the ever increasing number of requests for permitted events, and the increasing incidence of unpermitted activities, Staff and the Attorney believe the District should more completely address establishment of criteria under sections I.F.9 and I.F.10, which currently allow the District to deny requests for future permits for Expressive Activity to individuals or groups engaged in ordinance or permit violations for a period of up to six months from the date of the violation. It should be noted that, to date, no individual or group has been denied a permit on these grounds.

Staff and the Attorney therefore recommend that the Board clarify this portion of the ordinance. Specifically, Staff and the Attorney recommend that the Board more explicitly delegate to the General Manager or her designee the task of crafting rules and regulations regarding the process, including an administrative appeal, by which an individual or group who engaged in violations will be barred from obtaining permits.

Of course, due to the similarity of the impacts of expressive activities and special events on the District's operational, safety and security concerns and needs, special event permits shall also be subject to the same procedures.

### 4. Delegation of Authority.

Staff and the Attorney recognize that the type, nature, and amount of expressive activity on District property varies greatly, each with its own operational, safety and security impacts. The same is true of special events. Staff and the Attorney believe that it is essential that the Board delegate to the General Manager or her designee, the ability to promulgate rules and regulations as necessary to better effectuate the goals of the ordinance. This delegation was implicit in the updated ordinance; with the changes proposed here, Staff and the Attorney desire to make this explicit and clear.

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

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

AN ORDINANCE AMENDING MASTER ORDINANCE 2009 REGARDING USE OF THE DISTRICT PROPERTIES FOR EXPRESSIVE ACTIVITIES AND SPECIAL EVENTS

September \_\_\_\_, 2009

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

A. Introductory Findings

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 provisions 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. On February 27, 2009, by Ordinance No. 2009-\_\_\_\_\_, the District amended and updated its ordinance governing the use of District property for expressive activities and special events ("Updated Ordinance").
5. The Updated Ordinance has now been in effect for more than six months. The District has had the benefit of added experience with the Updated Ordinance, and has seen how the ordinance operates in a practical sense. Accordingly, the District wishes to implement certain technical clarifications and amendments to the Updated Ordinance. Such clarifications and amendments are noted where relevant in the findings below.
6. It is the District's policy to accommodate expressive activities to the extent feasible taking into account the District's overarching safety, operational and security needs. The District allows the public to engage in expressive activities so long as the activities do not compromise the District's business and operations, user and staff safety and District security.
7. 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 for recreational purposes.

3. The Bridge also is unique because of the lack of shoulders for its narrow 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 many 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 the presence of strong winds.

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 both a suicide deterrent and 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 and recreational 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 of motorists compromising traffic safety and otherwise endangering the safety, security, and welfare of all who use the Bridge.

13. Poles, sticks or other devices that are used to hold signs or props, no matter what the size, pose safety and health hazards to all users of the Bridge sidewalks. The Bridge sidewalks are heavily used by pedestrians, bicyclists, commuters, and those wishing to engage in expressive activities. The Bridge sidewalks are also narrow, and leave very little room for these various users to get by one another. These users are traveling in different directions at different speeds. Others are stationary and taking in the view. The Bridge sidewalks are often extremely windy; should signs be held out or up in the air, there is a likelihood that the signs will catch the wind. Sticks, poles and other devices might come into contact with other Bridge users. The Board is also seriously concerned that poles, sticks or other such devices will cause signs to cross over from the Bridge sidewalks into the Bridge roadway, causing a very dangerous and important distraction for drivers on the Bridge roadway. It should be noted that the roadway lanes on the Bridge roadway are well under the standard 12 foot lane width. Each lane on the Bridge roadway is approximately 10 feet wide and drivers are forced to deal with the same wind conditions previously mentioned for users of the Bridge sidewalks. The Bridge roadway is heavily trafficked. There is often fog, which compromises visibility. Thus, when signs break the plane formed by the pedestrian safety rail and enter the Bridge roadway, a challenging roadway becomes even more challenging. Distraction slows reaction time. On a roadway such as the Bridge roadway, any added distractions compromise driver safety.

14. The presence of organized groups playing drums or other musical instruments on the Bridge sidewalks can also significantly increase safety risks for all who use the Bridge by limiting the ability to effectively control crowds, by distracting drivers, and by interfering with the ability of law enforcement or security personnel to communicate with persons on the Bridge in the event of an emergency or accident.

15. 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.

16. The Updated Ordinance allowed permits for expressive activity on the Bridge sidewalks, when open for pedestrian use, from 10 a.m. to 4 p.m. on weekdays and from 12 a.m. to 2 p.m. on holidays and weekends. Prior to the adoption of the Updated Ordinance, however, the District's long-standing practice had been not to issue permits for expressive activities on the Bridge sidewalks on weekdays after 2:00 p.m. Since the adoption of the Updated Ordinance, the District has issued one permit for an expressive activity on the Bridge sidewalks on a weekday between 2:00 p.m. and 4:00 p.m. That expressive activity resulted in significant and unexpected disruption to vehicular traffic on the Bridge and its approaches and to activities on the Bridge sidewalks, and therefore created significant risk of injury to persons and damage to property.

After evaluating the effects of the expansion of the time period for when permits will be issued for expressive activities on the Bridge sidewalks on weekdays, the District desires to restore the past practice of not issuing permits on weekdays after 2:00 p.m. in light of the substantial impact on traffic congestion and increased safety and security risks to those on the Bridge during that time. This provision also applies to special events.

17. 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. It 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.

18. 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 time, place and manner regulation.

3. The Larkspur Ferry Terminal parking lot operates at capacity 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. Provisions Generally

1. The District desires to implement provisions 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 has in past practice permitted only one permitted expressive activity per day per District facility for various safety and operational reasons. In particular, the District is concerned that having more than one event per day will place an undue burden on the District's ability to effectuate its transportation purpose, and that it is uncertain as to whether sufficient law enforcement oversight will be available for multiple events. The District is cognizant, however, that there have been requests for more than one permitted event per day per facility. In the interest of continuing its effort to accommodate expressive activity at District facilities as is feasible given the District's safety, operational and security concerns, the Board seeks to relax this rule on a temporary demonstration basis. Thus, the District will permit up to two permitted events per day per facility so long as there is a break of at least 60 minutes between each permitted events. During this demonstration program, the District will monitor the frequency of requests received for multiple events in one day. It will also evaluate whether two events per day unduly strains District operations and whether adequate law enforcement resources are available for these events.

3. The District acknowledges that the type, nature, and amount of expressive activity on District property varies greatly. There are many different forms of this activity, each with its own operational, safety and security impacts. It is desirable that the Board delegate to the General Manager the ability to promulgate rules and regulations as necessary to better effectuate the goals of the ordinance. While this delegation was implicit in the Updated Ordinance, and mentioned in at least portions of the Updated Ordinance, the Board now makes this delegation explicit to make clear that the delegation of the authority to promulgate rules and regulations to effectuate the goals of the ordinance pertains to the entire ordinance, and not solely to any one provision.

4. With the Updated Ordinance having been in effect for more than six months, the Board is cognizant that it should more particularly define what constitutes a violation of a permit for expressive activities or failure to comply with the requirements of Section I.F, as contemplated by Section 1.F.9 of the Updated Ordinance. Section I.F.9 allowed for revocation of permits for expressive activity or special events, as well as for the District to deny requests for future permits for Expressive Activity to individuals or groups who engaged in the violations. It should be noted that, to date, no individual or group has been denied a permit on these grounds.

5. With regard to the potential for permit revocation vis a vis Section 1.F.9 (Section 1.F.10 in this Amended Ordinance), the District seeks to enable expressive activity to the extent it is reasonable and prudent to do so in light of the District's operational needs, and safety and security concerns. It is contemplated that the violations that might result in revocation of a permit are fact specific and dependent on rather precise operational, safety and security needs and concerns. Thus, the Board hereby delegates to the General Manager or her designee the task of crafting rules and regulations regarding permit revocation, as well as the conditions under which an individual or group involved in the violation will be barred from obtaining permits for a period of time up to six months. This authority shall also include rules and regulations

regarding conditions or prohibitions on obtaining expressive activities permits where the violations occurred when an individual or group did not have a permit. The rules and regulations on these last two points shall include a process for an administrative appeal of any decision to bar an individual or group from obtaining future permits.

6. The District also desires to incorporate the provisions 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. The District also seeks to insure that the costs incurred by the District due to special events are recovered so that those costs are not subsidized by District customers. This incorporation shall include the same revocation procedures, and the same conditions for which an individual or group will be barred from obtaining special event permits for a period of up to six months, described in Section D.5 above.

7. After carefully considering all of the foregoing recitals, the Board finds and determines that the following provisions 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 provisions 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. PROVISIONS 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. **Rules and Regulations:** The District authorizes the General Manager or her designee to develop and implement rules and regulations as necessary to effectuate the goals of this ordinance.

**3. 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.

#### 4. **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.7 and, for Expressive Activity on the Bridge Sidewalks, the Special Regulations set forth in Section I.F.8, 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 specifically 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.

5. **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.

## 6. **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) Up to two permits for Expressive Activity may be issued per day per facility so long as there is at least 60 minutes between the scheduled completion of one event and the scheduled commencement of the second event on any one day. 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. The District shall allow two permitted events per day per District facility (with the requisite 60 minute break between the events) on a temporary demonstration basis. During this demonstration program, the District will monitor the frequency of requests received for multiple events in one day. It will also evaluate whether two events per day unduly strains District operations and whether adequate law enforcement resources are available for these events. Nothing in this section should be construed to limit the District's authority to end this demonstration period, or to make permanent this temporary provision.

(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 2:00 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; and, (3) the 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.

**7. General Provisions 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 Provisions:

(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.

**8. Special Provisions 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.4(a). All Expressive Activity on Bridge Sidewalks must comply with the General Regulations established in Section I.F.7, 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.

**9. Special Provisions for Expressive Activity Permitted at Transit Facilities.** Because of unique characteristics of the District's transit facilities, the time, place and manner provisions 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.7, in addition to the following Special Provisions 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 provisions pertaining to signs and props for Expressive Activity on the Bridge Sidewalks established in Section I.F.7(c) 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 provisions pertaining to signs and props for Expressive Activity on the Bridge Sidewalks established in Section I.F.7(c) 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 provisions pertaining to the size and manner of carrying signs and props for Expressive Activity on the Bridge Sidewalks established in Section I.F.7(c) 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 provisions pertaining to the size and manner of carrying signs and props for Expressive Activity on the Bridge Sidewalks established in Section I.F.7(c) 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 provisions 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.

10. **Violations of Permit for Expressive Activity or Failure to Comply with the Requirements of Section I.F of the Master Ordinance.** If a permittee violates the conditions of his, her or its permit, the District may revoke the permit. Multiple permit revocations shall subject the violating permittee to a possible bar from obtaining District permits for a specified time period, subject to a right of administrative appeal.

(a) The General Manager or her designee shall promulgate rules and/ or regulations regarding the circumstances and conditions under which an individual or group engaged in the violation will be barred from obtaining future permits for a specified period of time. The General Manager or her designee shall also include rules and regulations regarding conditions or prohibitions on obtaining expressive activities permits where the violations occurred when an individual or group did not have a permit. The rules and regulations on violations shall include a process for an administrative appeal of any decision to bar an individual or group from obtaining future permits.

(b) 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 Provisions.** All Special Events must comply with all the following regulations:

(i) The General Provisions for Expressive Activity on All District Property established in Section I.F.7 of this Master Ordinance, and if the Special Event will occur on the Bridge Sidewalks, the Special Provisions for Expressive Activity Permitted on the Bridge Sidewalks established in Section I.F.8 of this Master Ordinance and if the Special Event will occur in or on the District's transit facilities, the Special Provisions for Expressive Activity Permitted at Transit Facilities established in Section I.F.9 of this Master Ordinance. For violations of special event provisions, see Section I.F.10 of the Master Ordinance, which is incorporated by reference.

(ii) 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.

(iii) Any other conditions imposed by the District on the Special Event.

(iv) 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.

Section 3. The effective date of this Ordinance shall be, \_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 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:

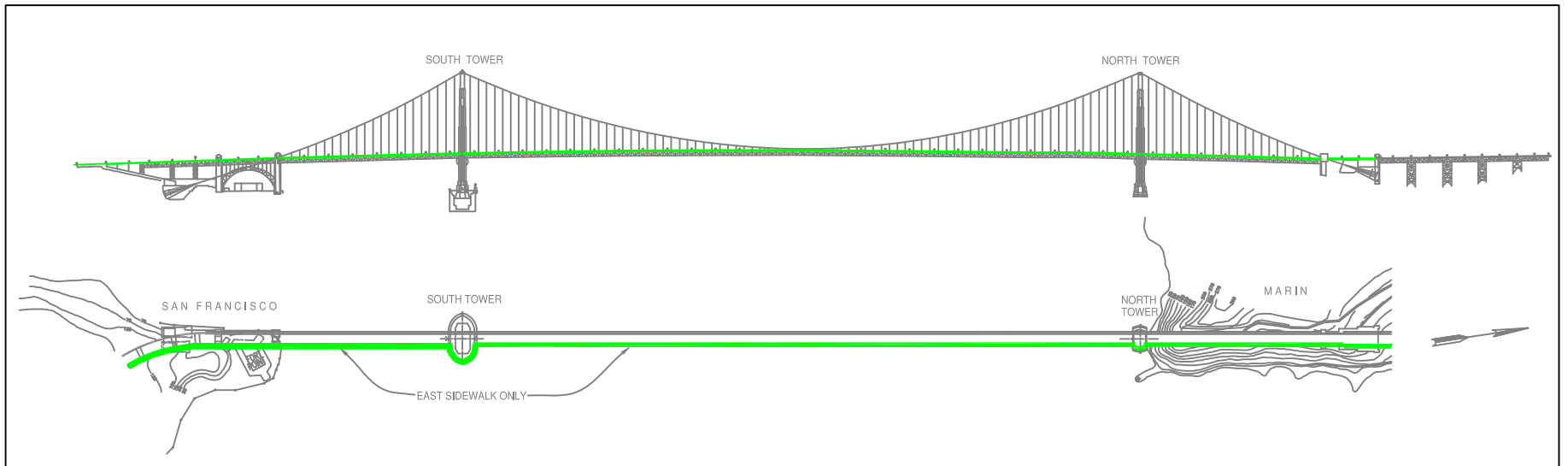
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Secretary of the District

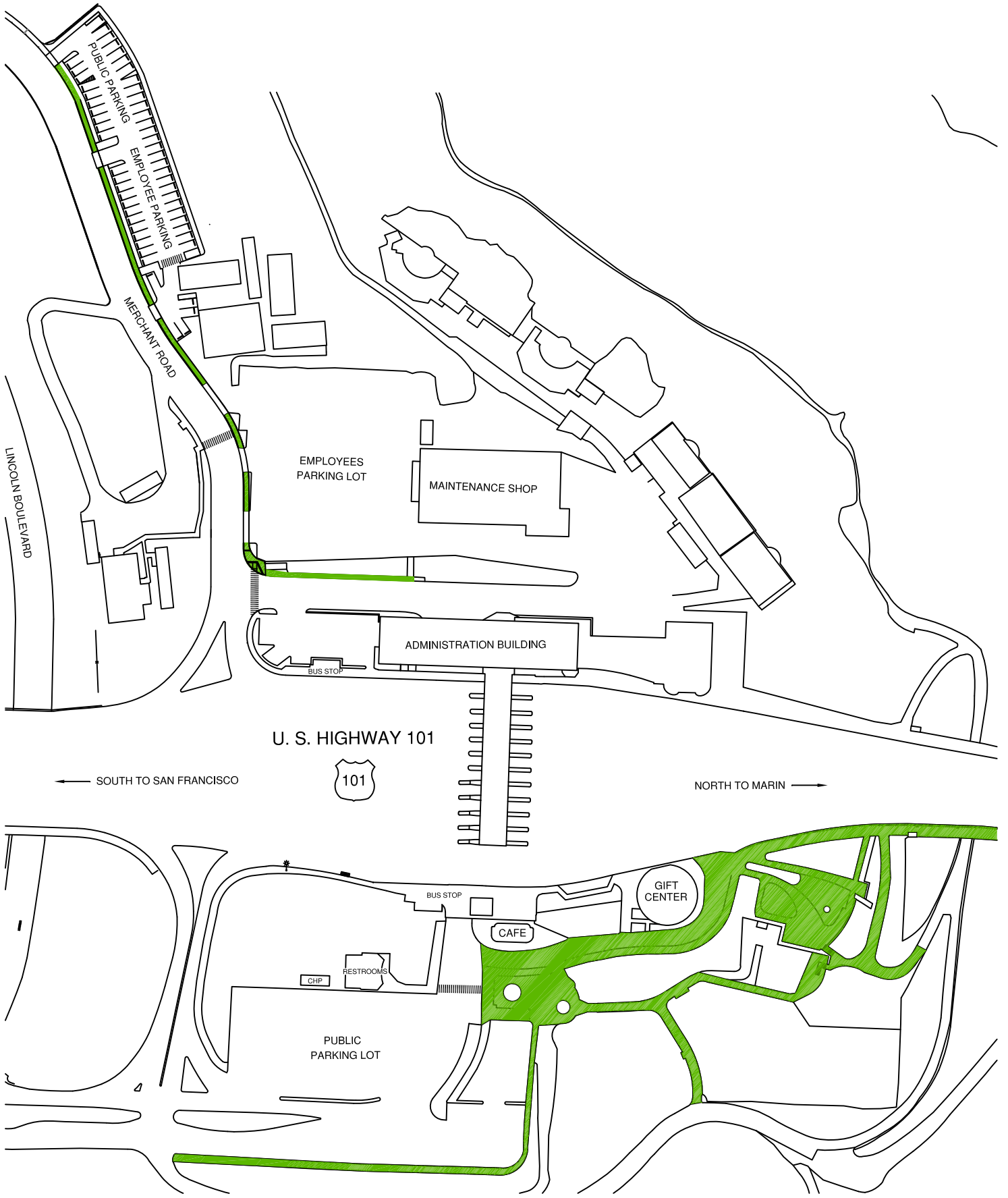
## **EXHIBIT A**

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

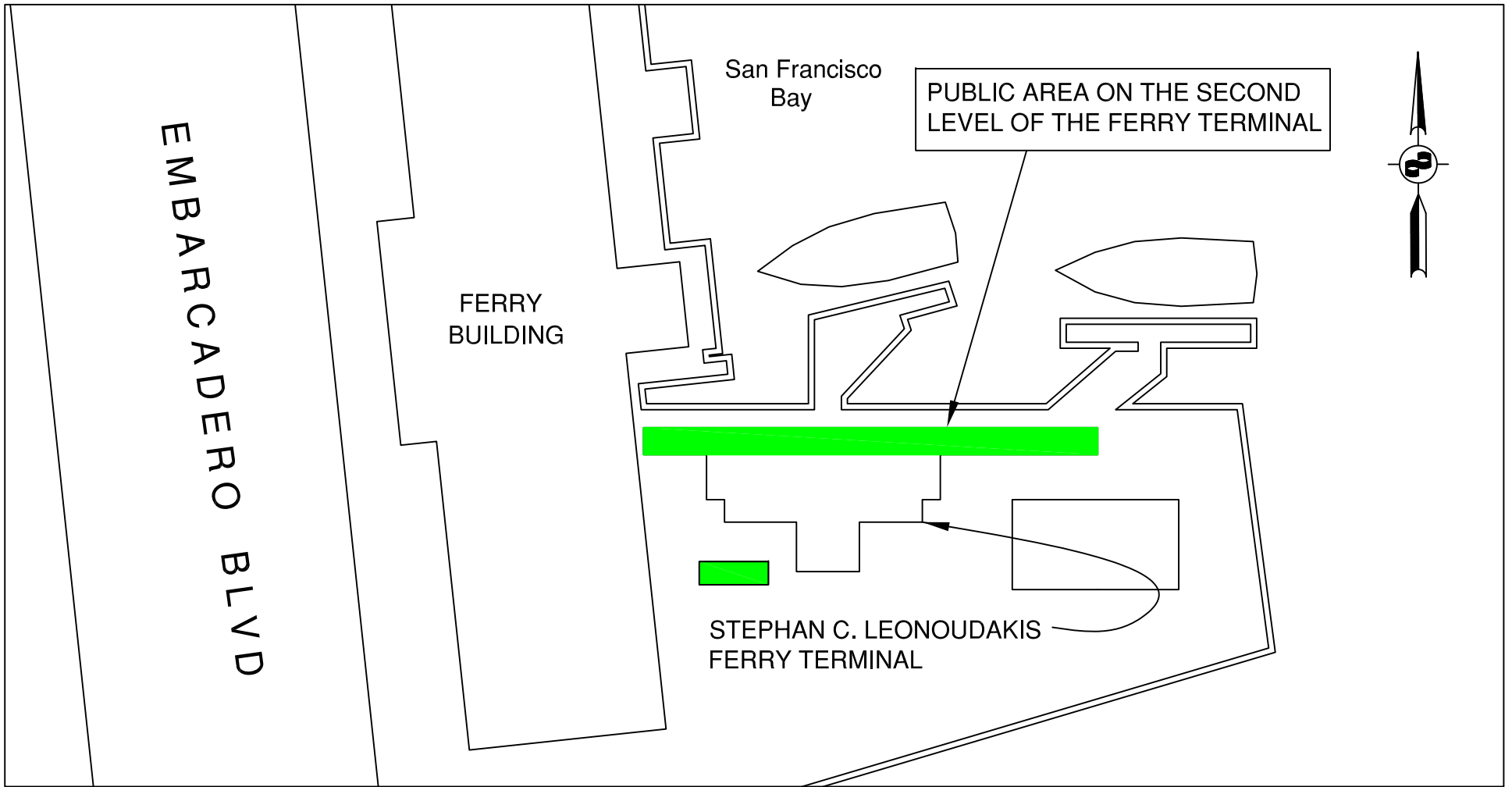
1. Bridge Sidewalks, Toll Plaza Area, Strauss Statue plaza and paths and parking lot on west side of Toll Plaza
2. San Francisco Ferry Terminal
3. Larkspur Ferry Terminal and parking lot
4. Santa Rosa Bus Facility and parking lot
5. San Rafael Bus Facility and parking lot
6. San Rafael Transportation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



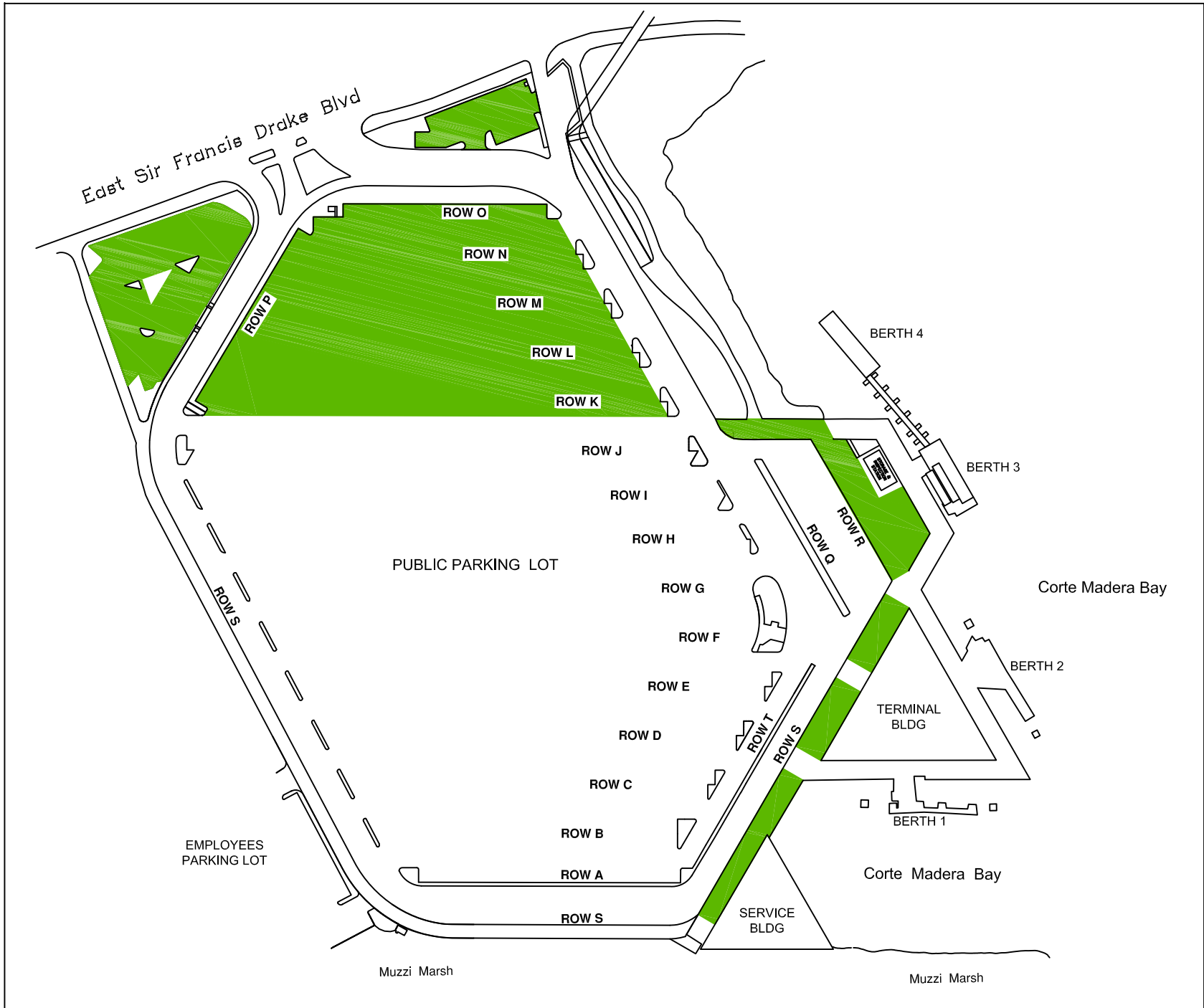
GOLDEN GATE BRIDGE EXPRESSIVE AREAS



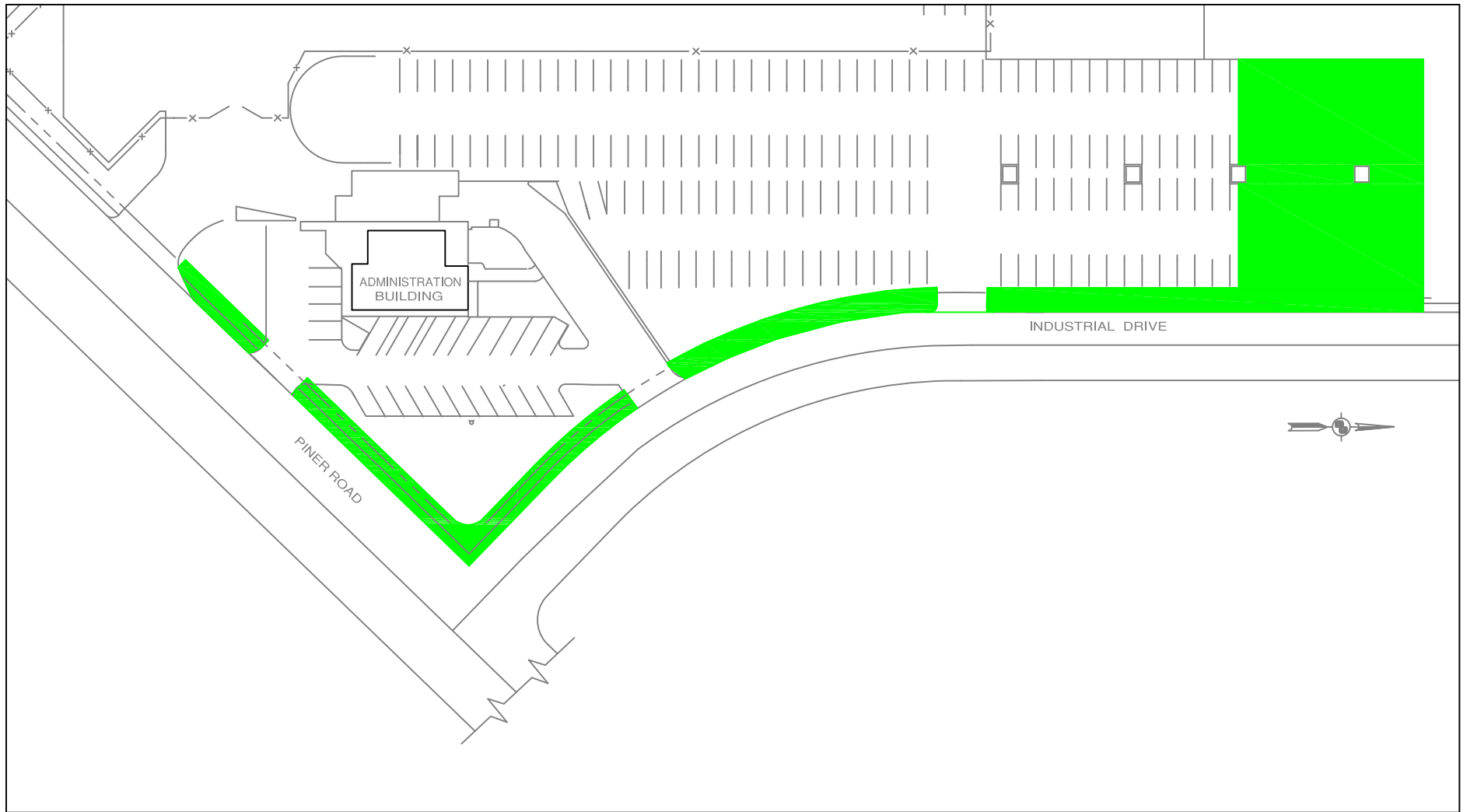
**GOLDEN GATE BRIDGE TOLL PLAZA AREA**



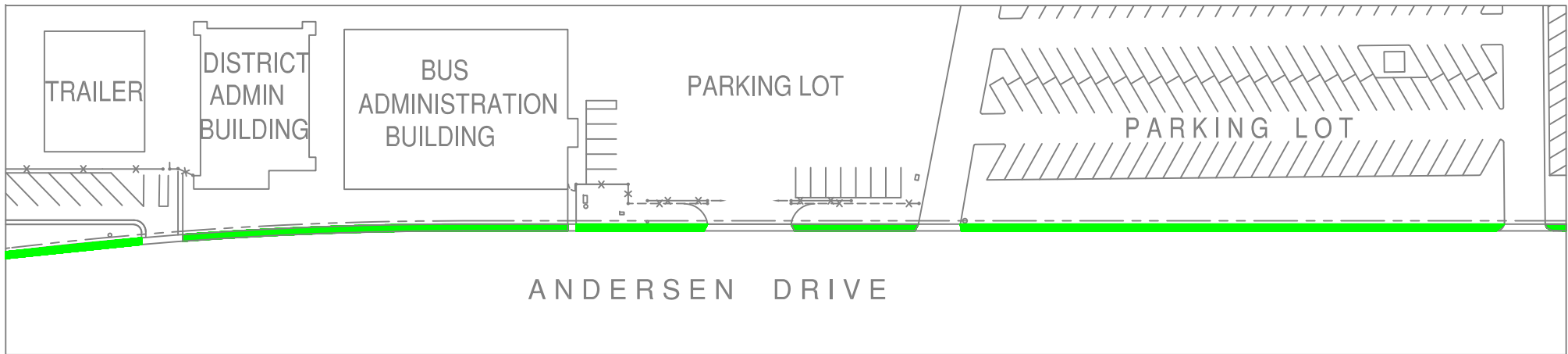
SAN FRANCISCO FERRY TERMINAL EXPRESSIVE AREAS



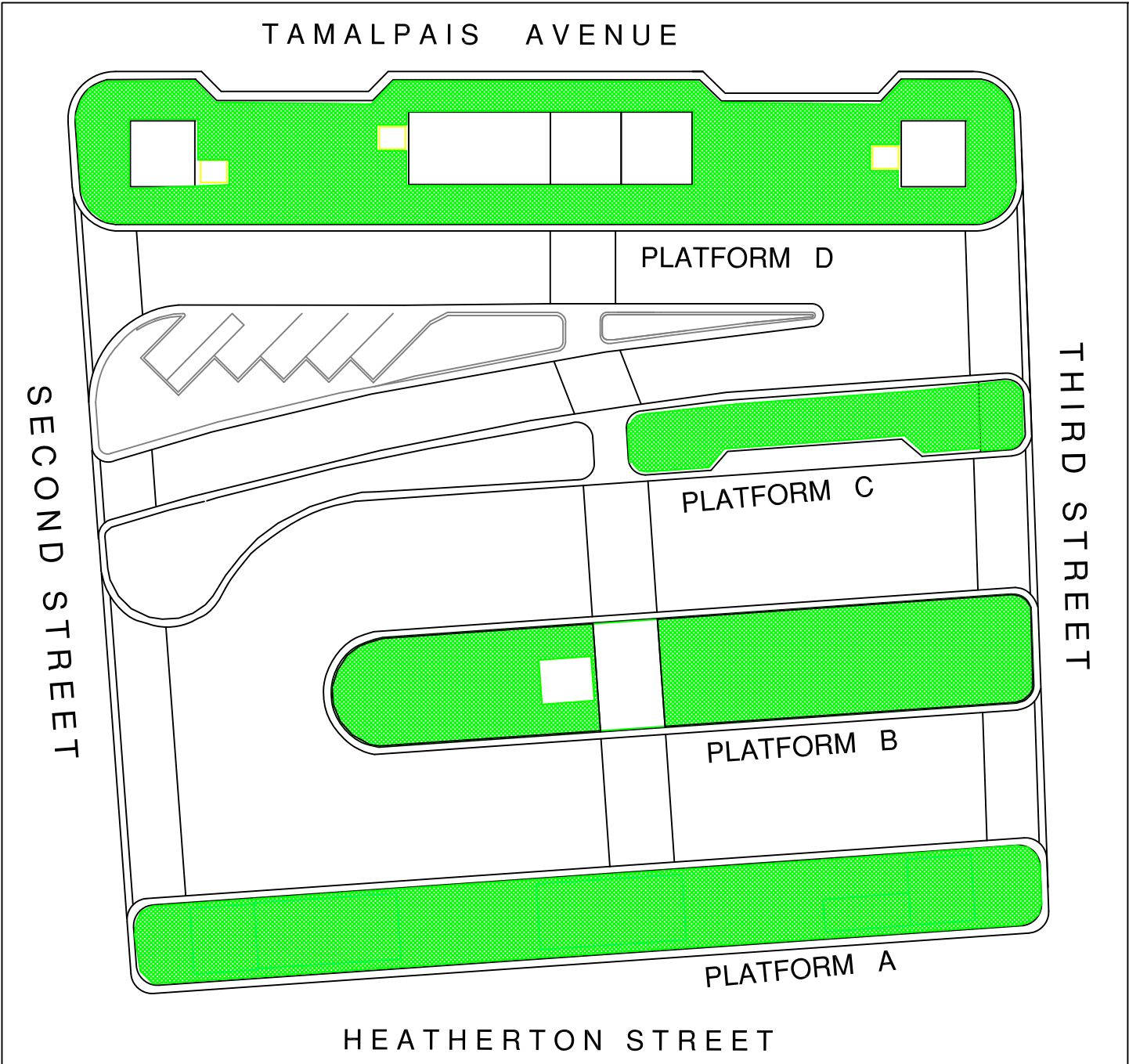
# LARKSPUR FERRY TERMINAL EXPRESSIVE AREAS



SANTA ROSA BUS FACILITY EXPRESSIVE AREAS



**SAN RAFAEL BUS FACILITY EXPRESSIVE AREAS**



# DOWNTOWN SAN RAFAEL BUS TRANSFER POINT EXPRESSIVE AREAS