



TRANSBAY JOINT POWERS AUTHORITY

# **Park Rules & Regulations**

Adopted September 14, 2017

## **Transbay Joint Powers Authority Park Rules & Regulations**

### **1. Introduction.**

The Transbay Joint Powers Authority (TJPA) Park Rules & Regulations (“Park Rules”) are intended to support the following programmatic goals for TJPA’s park: create an exceptional visitor experience; preserve the Park’s unique ecosystem; enable full activation of the Park; and provide a safe and secure park for all users.

The Park Rules are intended to address normal operating conditions; emergency or unusual circumstances may necessitate deviations from the Park Rules.

The Park Rules are subject to update and change.

### **2. Authorities and Definitions.**

#### **2.1 Applicable Authorities.**

The Park is a public open space located in a public facility owned by a public agency. The Park has also been identified as a “park” under the San Francisco Municipal Code. As a result, certain portions of the San Francisco Municipal Code shall apply in addition to otherwise applicable federal, state, and local laws. *[See SF Park Code Sec. 2.01(a), Art 11.]*<sup>1</sup>

#### **2.2 See Something, Say Something.**

All persons either enjoying or working in the Park should immediately report unsafe conditions or activity to Transit Center management.

#### **2.3 TJPA Authority Over Park.**

The TJPA has authority to control, manage, and direct the Park, including setting rules, issuing permits, setting operating hours and fees, and designating persons who shall perform all functions for the Park. *[See SF Park Code Sec. 2.01, 11.01.]*

#### **2.4 Rules to Be Obeyed.**

No person shall willfully disobey or violate any of the rules or regulations of the TJPA governing the use and enjoyment by the public of the Park or of any building, structure, equipment, apparatus or appliance in the Park, which rules or regulations, at the time, are posted in some conspicuous place in that area or at an entrance to the Park or in or near the building, structure, equipment, apparatus, or appliance to which the rule or regulation applies. *[See SF Park Code Sec. 2.01, 3.01, 11.01.]*

#### **2.5 Signs to Be Obeyed.**

No person shall willfully disobey the notices, prohibitions, or directions on any sign posted by the TJPA or its designee. *[See SF Park Code Sec. 2.01, 3.02, 11.01.]*

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<sup>1</sup> For convenience, the Park Rules provide references to certain specific provisions of federal, state, and local law that address a particular topic. The references are for convenience only and are not intended to limit the scope of applicable law.

## **2.6 Interference with TJPA Employees.**

No person shall, with malice, interfere with or in any manner hinder any employee or agent of the TJPA or a duly authorized contractor while that person is engaged in constructing, repairing, or caring for any portion of the Park or is otherwise engaged in the discharge of such employee's, agent's, or contractor's duties. *[See SF Park Code Sec. 4.08.]*

## **2.7 Definitions.**

The following definitions apply to the Park Rules. Otherwise undefined terms are given the definition utilized in the San Francisco Municipal Code.

“Director” shall mean the Executive Director of the Transbay Joint Powers Authority, or designee.

“Park” shall mean the about 5.4 acres park located on the roof of the transit center generally located on the blocks bounded by Mission, Beale, Howard, and Second Streets in San Francisco.

## **3. Public Use.**

### **3.1 Hours of Operation.**

The TJPA has established the following hours of operation for the Park: from November 1 through April 30 (“Winter Hours”), the Park will close by not later than 8:00 p.m. Pacific Time (PT) and will not reopen earlier than 6:00 a.m. PT the following morning, and from May 1 through October 31 (“Summer Hours”), the Park will close by not later than 9:00 p.m. PT and will not reopen earlier than 6:00 a.m. PT the following morning. The Park shall be considered closed outside the Winter Hours or Summer Hours, as applicable, even if there are no gates or barriers preventing access. Notwithstanding the foregoing, the TJPA may permit the Park restaurant or cafe to operate outside these hours, and may permit events in the Park (including events in the Park amphitheater) at any time. No person shall enter or use any areas of the Park during the hours of closure without permission of the TJPA. *[See SF Park Code Sec. 3.21.]*

### **3.2 Public May Be Excluded.**

In case of an emergency, or when in the judgment of the Director the public interest demands it, any portion of the Park or buildings, structures, equipment, apparatus, or appliances therein may be closed to the public until such area or building, structure, equipment, apparatus, or appliance is reopened to the public by the Director; provided, however, that nothing in this Section shall authorize the Director to close any portion of the Park or buildings, structures, equipment, apparatus, or appliances therein because of the content or viewpoint of expressive activities, existing or anticipated, to the extent such expressive activities are protected by the First Amendment to the United States Constitution. *[See SF Park Code Sec. 3.03.]*

### **3.3 Permits, Reservations, and Rentals.**

#### **3.3.1 Activities Requiring a Permit.**

No person shall, without a permit issued by the TJPA, perform any of the following acts in the Park:

- (a) Conduct or sponsor a parade involving fifty (50) or more persons.
- (b) Conduct or sponsor or engage in petitioning, leafletting, demonstrating, or soliciting when the number of petitioners, leafletters, demonstrators, or solicitors engaging in one or more of these activities involves fifty (50) or more such persons at the same time within an area circumscribed by a five hundred foot (500-foot) radius.
- (c) Sell or offer for sale books, newspapers, periodicals or other printed material.
- (d) Conduct or sponsor any exhibit, promotion, dramatic performance, theatrics, pantomime, dance, fair, circus, festival, juggling or other acrobatics or show of any kind or nature which has been publicized four (4) hours or more in advance.
- (e) Perform any feat of skill or produce any amusement show, movie or entertainment which has been publicized four (4) hours or more in advance.
- (f) Make a speech which has been publicized (4) four hours or more in advance.
- (g) Conduct or sponsor a religious event involving fifty (50) or more persons.
- (h) Conduct or sponsor a concert or musical performance which (1) has been publicized four (4) hours or more in advance, or (2) utilizes sound amplification equipment, or (3) involves a band or orchestra.
- (i) Participate in a picnic, dance, or other social gathering involving twenty five (25) or more persons.
- (j) Sell or provide food to persons, except that no permit is required when a person participating in a picnic or social gathering of twenty five (25) or fewer persons provides food to others who are also participating in the picnic or social gathering.
- (k) Conduct or sponsor a race or marathon which involves twenty (25) or more persons as participants or which obstructs or interferes with the normal flow of pedestrian traffic.
- (l) Conduct or sponsor any event which utilizes sound amplification equipment, as defined in Part II, Chapter VIII (Police Code) of the San Francisco Municipal Code.
- (m) Conduct or sponsor an exhibition.
- (n) Conduct or sponsor an animal show.
- (o) Conduct a wedding ceremony.
- (p) Conduct or sponsor an art show.
- (q) Operate any amusement park device.
- (r) Conduct or sponsor an organized kite-flying event of any club or organization.
- (s) Station or erect any table, scaffold, stage, platform, rostrum, tower, stand, bandstand, building, fence, wall, monument, dome or other structure.
- (t) Launch or land any airplane, helicopter, parachute, hang glider, hot air balloon, or other machine or apparatus of aviation in the Park, or bring into the Park any balloon with a diameter of more than six (6) feet or a gas capacity of more than one hundred fifteen (115) cubic feet.
- (u) Bring or cause to be brought, for the purposes of sale or barter, or have for sale, or sell or exchange, or offer for sale or exchange any goods, wares, or merchandise.

- (v) Construct or maintain or inhabit any structure, tent, or any other thing in the Park that may be used for housing accommodations or camping, and construct or maintain any device that can be used for cooking.
- (w) Engage in commercial photography, filming, or recording in the Park.
- (x) Conduct a farmers' market.
- (y) Participate in any team athletic activity, including but not limited to volleyball, baseball, soccer, football, or lacrosse, or in the individual activities of roller skating, roller blading, bicycle riding, kite or drone flying, or skateboarding.
- (z) Bring any animal into the Park. Notwithstanding the foregoing, a person with a disability may enter the Park with a guide or signal dog without a permit.
- (aa) Bring any wheeled conveyances, including but not limited to trucks, cars, and skateboards, into the Park. Notwithstanding the foregoing, wheelchairs and strollers for preschool children may be brought into the Park without a permit.
- (bb) Provide instruction in any activity, including athletic or artistic, for compensation.

*[See SF Park Code Sec. 3.09, 3.10, 3.12, 7.03, 7.04, 7.08, 7.12, 7.21, 11.02, 11.03, 11.04.]*

### **3.3.2 Additional Activities Requiring a Permit.**

The TJPA shall have the authority to require a permit for additional activities in the Park when such a requirement furthers the purposes set forth in the Park Rules and the Municipal Code. A list of the additional activities for which permits are required shall be posted in the Park, filed with the TJPA, and made available to the public upon request. *[See SF Park Code Sec. 7.04(b).]*

### **3.3.3 Procedures for Permits, Reservation, and Rentals of Facilities and Spaces.**

The procedures for receiving a permit or reserving or renting the use of any facility or space in the Park, and the fees and conditions associated therewith, shall be established by the TJPA, kept on file with the TJPA, and made available to the public. *[See SF Park Code Sec. 7.09, Art. 11.]*

## **4. Regulations.**

### **4.1 Refusal to Obey Lawful Order.**

It shall be unlawful for any person to refuse to obey the lawful order of law enforcement or the TJPA made pursuant to SF Park Code Section 4.14. *[See SF Park Code Sec. 4.13, 4.14.]*

### **4.2 Intoxication by Alcohol or Drugs.**

State law provides that any person in a public place who is under the influence of intoxicating liquor, drugs, or certain specified substances and endangers themselves or others or interferes with the free use of a public right of way is guilty of disorderly conduct. *[See SF Park Code Sec. 4.15, state law.]*

### **4.3 Persons May Be Excluded Under Certain Circumstances.**

TJPA is authorized to order any person to stay out of or to leave the Park or any building, structure, equipment, apparatus, or appliance therein when it has reasonable cause to conclude that the person so ordered:

- (a) Is under the influence of intoxicating liquor, any drug, or any "controlled substance" as that term is defined and described in the California Health and Safety Code, or any combination of any intoxicating liquor, drug, or controlled substance, and is in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others or interferes with or obstructs or prevents the free use of Park property.
- (b) Is consuming alcoholic beverages in violation of these Park Rules and SF Park Code Section 4.10;
- (c) Is using any drug or controlled substance or any combination of any intoxicating liquor, drug, or controlled substance;
- (d) Is doing any act injurious to the Park or any building, structure, equipment, apparatus, or appliance therein;
- (e) Is taking any action in violation of SF Park Code Section 4.01 and these Park Rules.

*[See SF Park Code Sec. 4.01, 4.10, 4.11, 4.12.]*

### **4.4 Prohibited Activities or Conduct.**

#### **4.4.1 Certain Athletic Activities.**

No person shall participate in any team athletic activity in the Park, including but not limited to volleyball, baseball, soccer, football, or lacrosse or in the individual activities of roller skating, roller blading, bicycle riding, kite or drone flying, or skateboarding, except with permission of the TJPA. *[See SF Park Code Sec. 3.09, 11.02]*

#### **4.4.2 Wheeled Equipment.**

No person, other than employees or agents of the TJPA or its contractors, when on duty, shall bring any wheeled conveyances, including but not limited to trucks, cars, and skateboards, into the Park, except with permission of the TJPA. Notwithstanding the above, wheelchairs and strollers for preschool children may be brought into the Park without a permit. *[See SF Park Code Sec. 11.04.]*

#### **4.4.3 Smoking.**

No person shall smoke in the Park, either in enclosed or unenclosed areas. *[See SF Health Code Sec. 1009.81, Article 19N, state law.]*

#### **4.4.4 Airplanes, Helicopters, Hot Air Balloons, Etc.**

No person shall launch or land any airplane, helicopter, parachute, hang glider, hot air balloon, drone, nor any other machine or apparatus of aviation in the Park, or bring into the Park any balloon with a diameter or more than six (6) feet or a gas capacity of more than one hundred fifteen (115) cubic feet, except with permission of the TJPA. This section shall not be applicable to a helicopter being used to transport persons or supplies because of an emergency situation. *[See SF Park Code Sec. 3.09, 4.01(d), 7.04.]*

**4.4.5 Fighting, Disturbing Peace, Offensive Words.**

State law prohibits unlawful fighting in a public place, the malicious and willful disturbance of others by loud and unreasonable noise in a public place, and the use of offensive words in a public place which are inherently likely to provoke an immediate violent reaction. *[See SF Park Code Sec. 4.14, state law.]*

**4.4.6 Malicious Destruction of Property.**

State law prohibits the malicious defacement, damage, or destruction of real or personal property. *[See SF Park Code Sec. 4.05, state law]*

**4.4.7 Human Body Substances.**

No person shall emit, eject, or cause to be deposited any excreta of the human body, except in a proper receptacle designated for such purpose. *[See SF Park Code Sec. 4.01(g).]*

**4.4.8 Entrance to Controlled Areas.**

No person shall enter the Park or its facilities by means other than at designated public entrances. No person shall enter Park facilities where a "No Admittance" or "Employees Only" sign is posted. No person shall gain or attempt admittance to the Park or its facilities where a charge is made, without paying that charge. *[See SF Park Code Sec. 3.02, 4.01(j).]*

**4.4.9 Polluting Waters.**

No person shall throw or place, or cause to be thrown or placed, any garbage, trash, refuse, paper, container, or noxious or offensive matter into any fountain. *[See SF Park Code Sec. 4.03.]*

**4.4.10 Littering and Dumping of Waste Matter.**

No person shall litter, dump, or dispose of garbage, bottles, cans, paper, or other waste matter anywhere other than in designated trash receptacles. *[See SF Park Code Sec. 4.04, state law]*

**4.4.11 Soliciting.**

(a) No person shall engage in petitioning, leafletting, demonstrating, or soliciting when engaging in any of these activities, or any combination of these activities, involves fifty (50) or more petitioners, leafletters, demonstrators, or solicitors at the same time within an area circumscribed by a five hundred foot (500-foot) radius, except with permission of the TJPA. No permit may be required to engage in petitioning, leafletting, demonstrating, or soliciting so long as engaging in any of these activities, or any combination of these activities, does not involve fifty (50) or more petitioners, leafletters, demonstrators, or solicitors at the same time within an area circumscribed by a five hundred foot (500-foot) radius.

(b) It shall be unlawful for any person to engage in petitioning, leafletting, demonstrating, or soliciting in such a manner as to substantially obstruct any traffic of pedestrians or vehicles after being warned by a peace officer or the TJPA not to do so.

(c) No person shall solicit in an aggressive manner.

(d) No person shall solicit within twenty (20) feet of any automated teller machine, except with permission of the TJPA. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.

*[See SF Park Code Sec. 7.03, 7.08, SF Police Code Sec. 120-2.]*

#### **4.4.12 Obstructing Any Sidewalk, Passageway, or Other Public Way.**

No person shall willfully and substantially obstruct the free passage of any person or persons on any sidewalk, passageway, or other public places in the Park. Notwithstanding the foregoing, (1) it is not intended that this section shall apply where its application would result in an interference with or inhibition of any exercise of the constitutionally protected right of freedom of speech or assembly, and (2) nothing contained herein shall be deemed to prohibit persons from sitting on public benches or other public structures, equipment, apparatus, appliances, or facilities provided for such purpose. *[See SF Police Code Sec. 22, 23.]*

#### **4.5 Animals.**

No person, other than members of law enforcement when on duty, shall bring any animals, including but not limited to dogs, cats, and horses, into the Park, except with permission of the TJPA. Notwithstanding the above provision, a person with a disability may enter the Park with a guide or signal dog without a permit. *[See SF Park Code Sec. 11.03.]*

#### **4.6 Consumption of Alcohol.**

No person shall consume alcoholic beverages of any kind in the Park, except as follows:  
(a) Alcohol may be consumed at the Park restaurant or café, or other businesses with permission of the TJPA. All alcoholic drinks and their containers must remain within the businesses' premises.  
(b) Alcohol may be served in conjunction with events in the Park, with permission of the TJPA.

*[See SF Park Code Sec. 4.10.]*

#### **4.7 Weapons and Fireworks.**

(a) No person shall fire or carry firearms of any size or description or possess any instrument, appliance, or substance designed, made, or adopted for use primarily as a weapon, including but not limited to slingshots, clubs, swords, razors, billies, explosives, dirk knives, bowie knives, or similar knives, without the permission of the TJPA, with the exception that this section shall not apply to sworn law enforcement officers. *[See SF Park Code Sec. 4.01(b).]*

(b) No person shall fire or carry any firecracker, rocket, torpedo, or any other fireworks of any description, except with permission of the TJPA. *[See SF Park Code Sec. 4.01(c).]*

#### **4.8 Camping.**

No person shall construct or maintain or inhabit any structure, tent, or any other thing in the Park that may be used for housing accommodations or camping, nor shall any person construct or maintain any device that can be used for cooking, except with permission from the TJPA. No person shall modify the landscape in any way in order to create a shelter or accumulate household furniture or appliances or construction debris in the Park. *[See SF Park Code Sec. 3.12.]*

#### **4.9 Swimming and Bathing.**

No person shall enter, wade, bathe, or swim in the waters of any fountain in the Park, except that wading by children shall be permitted in the Bus Fountain pursuant to regulations issued by the TJPA. *[See SF Park Code Sec. 4.02.]*

#### **4.10 Children.**

(a) No parent, guardian, or custodian of a minor shall permit or allow such minor to do any act or thing in the Park prohibited by provisions of the SF Park Code and these Park Rules. *[See SF Park Code Sec. 4.16.]*

(b) No adults are allowed in the children's play area of the Park except when accompanying a child. *[See California Penal Code Sec. 653b.]*

#### **4.11 Wildlife and Environmental Protection.**

##### **4.11.1 Disturbing Animals, Exceptions.**

Except as provided in the Article 7, Chapter VIII (Police Code) of the San Francisco Municipal Code, it shall be unlawful for any person to hunt, chase, shoot, trap, discharge or throw missiles at, harass, disturb, taunt, endanger, capture, injure, or destroy any animal in the Park, or to permit any animal in such person's custody or control to do so; provided, however, that any mole or any gopher, mouse, rat, or other rodent which is determined by the TJPA to be a nuisance may be destroyed by the TJPA; and provided, further, that any animal other than a mole or a gopher, mouse, rat, or other rodent which is determined by the TJPA to be a nuisance or a hazard to persons using the Park or to be a hazard to plants or other horticulture, may, in a humane manner, be live trapped by the TJPA and delivered as appropriate. The provisions of this section shall not be applicable to the destruction of any animal in any park where such animal poses an immediate and serious threat to persons or property or is suffering excessively. *[See SF Park Code Sec. 5.08.]*

##### **4.11.2 Feeding Animals.**

It shall be unlawful for any person to feed or offer to feed to any animal in the Park any substance which would be likely to be harmful to it. It shall be unlawful for any person to feed or offer food or any substance to any animal in the Park which is wild by nature and not customarily domesticated in the City and County of San Francisco, except with permission of the TJPA. *[See SF Park Code Sec. 5.07.]*

#### **4.11.3 Introduction or Removal of Trees, Wood, Etc.**

No person shall introduce, or remove or take away any tree, wood, bush, turf, shrub, flower, plant, grass, soil, rock, water, wildlife, or anything or like kind natural resource, except with permission of the TJPA. *[See SF Park Code Sec. 3.14, 4.06, 4.07, 11.01.]*

#### **4.11.4 Performance of Labor.**

No person, other than authorized personnel, shall perform any labor on or upon the Park, including but not limited to taking up or replacing soil, turf, ground, pavement, structure, tree, shrub, plant, grass, flower, and the like, except with permission of the TJPA. *[See SF Park Code Sec. 3.14, 4.06.]*

#### **4.11.5 Climbing.**

No person shall climb or lie upon any tree, shrub, monument, wall, fence, railing, shelter, fountain, statue, building, structure, equipment, apparatus, appliance, or construction, except with permission of the TJPA. *[See SF Park Code Sec. 4.01(f).]*

#### **4.12 Posting of Signs.**

No person shall post or affix to any tree, shrub, plant, fence, building, structure, equipment, apparatus, appliance, monument, wall, post, vehicle, bench, or other physical object within the Park any written or printed material, including but not limited to signs, notices, handbills, circulars, and pamphlets, except with permission of the TJPA. *[See SF Park Code Sec. 3.07.]*

#### **4.13 Throwing or Propelling Objects.**

No person shall throw or propel objects of a potentially dangerous nature, including but not limited to stones, bottles, glass, cans, or crockery, within or over the edges of the Park, except with permission of the TJPA. *[See SF Park Code Sec. 4.01(a).]*

#### **4.14 Fire.**

No person shall make, kindle, maintain, or in any way use a fire, including but not limited to recreational fires, fire dancing, fire twirling, and fire dancing, except with permission of the TJPA. *[See SF Park Code Sec. 4.01(e).]*

#### **4.15 Certain Exposure of Body.**

No person shall expose his or her genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region or any portion of the female breast at or below the areola thereof, except that this section shall not apply to children under the age of five (5) years. *[See SF Park Code Sec. 4.01(h).]*

#### **4.16 Percussion Instruments.**

No person shall play any percussion instrument, including drums, at any time or location prohibited by the TJPA when a sign has been posted in the area affected to give notice of this prohibition, provided that such prohibition does not unreasonably curtail the playing of such instruments. *[See SF Park Code Sec. 4.01(k).]*

#### **4.17 Graffiti.**

No person shall possess, carry, use or keep graffiti or etching tools, etching cream, or slap tags. For purposes of this subsection:

(a) "Graffiti or etching tools" means a masonry or glass drill bit, a glass cutter, a grinding stone, an awl, a chisel, a carbide scribe, an aerosol paint container, or any permanent marker with a nib (marking tip) one-half inch or more at its largest dimension and that is capable of defacing property with permanent, indelible, or waterproof ink, paint or other liquid.

(b) "Etching cream" means any caustic cream, gel, liquid, or solution capable, by means of chemical action, of defacing, damaging, or destroying hard surfaces in a manner similar to acid.

(c) "Slap tag" means any material including but not limited to decals, stickers, posters, or labels which contain a substance commonly known as adhesive glue which may be affixed upon any structural component of any building, structure, equipment, apparatus, appliance, post, pole, or other facility. *[See SF Park Code Sec. 4.01(n).]*