



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 7

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Memorandum

TO: Legislation Committee

DATE: October 3, 2008

FR: Deputy Executive Director, Operations

RE: City of Berkeley Measure KK

Description

Measure KK – appearing on the ballot in the City of Berkeley – would require voter approval before the city could dedicate a public street or lane to “bus-only, transit-only, or high occupancy vehicle-only use.” The measure, titled the “Voters Right to Approve Certain Transportation Changes,” is specifically aimed at requiring voter approval for the implementation of one of MTC’s highest priority transit expansion projects – AC Transit’s bus rapid transit (BRT) project from International Boulevard in Oakland to Telegraph Avenue in Berkeley. This project is a top regional priority in MTC’s Transit Expansion Program (Resolution 3434).

Recommendation: Oppose

Discussion

Advocates for Measure KK contend that the BRT project would result in loss of parking and local bus stops along the proposed route. Materials supporting Measure KK also imply that BRT would eliminate auto access along the route, even though the proposed design would retain a multi-purpose lane in each direction.

Any decision related to eliminating parking or curtailing local bus service will be made by the Berkeley City Council and the AC Transit board in a public setting that will allow full consideration of BRT’s impacts prior to being voted on by elected Berkeley city council members and elected AC Transit board members. According to an analysis prepared by the City of Berkeley’s attorney, the ordinance “is a significant impediment to implementing General Plan goals and policies related to promoting alternatives to automobiles and improving public transit.” Such delays would impede city and statewide goals to reduce CO₂ emissions. In addition, the proposal would increase the amount of time needed to approve exclusive lanes for the use of buses, potentially placing funds dedicated to the project at risk. Also, the ordinance would lead to increased costs to place the measure on the ballot, including potentially holding a special election, as well as costs to prepare a “designation plan,” defined as a comprehensive plan for the creation of transit-only or high-occupancy vehicle/bus-only lanes.

In addition to these project-specific considerations, legal questions have been raised about whether the law allows such matters to be decided upon by voters. Specifically, California Vehicle Code Section 21655.5 appears to delegate the authority to create HOV lanes on city streets to the city council.

For the above reasons, we recommend an “oppose” position on Measure KK.

Known Positions

Support

- Le Conte Neighborhood Association
- Claremont Elmwood Neighborhood
- Northeast Berkeley Association

Oppose

- Alameda County Labor Council
- Bicycle-Friendly Berkeley Coalition
- East Bay Young Democrats
- KyotoUSA
- League of Women Voters of Berkeley, Albany and Emeryville
- Sierra Club
- Transportation and Land Use Coalition

Ann Flemer