

FULL TEXT OF MEASURE KK

The People of the City of Berkeley hereby ordain as follows:

Section 1: Title

The title of this ordinance shall be “Voters’ Right to Approve Certain Major Transportation Changes.”

Section 2: Findings and Purpose

The purpose of this measure is to enable the people of the City of Berkeley, by majority vote, to decide whether City streets or portions thereof shall be converted to transit-only or HOV/bus-only lanes, prior to dedication of such lanes.

The first goal of the City of Berkeley’s General Plan is to “preserve Berkeley’s unique character and quality of life.”

Among competing visions for Berkeley’s future, there is dispute over what policies or changes will best preserve our unique character and quality of life, especially in the areas of land use and transportation.

When a change is modest or uncontroversial, it is appropriate to rely on elected representatives to make these decisions, but if the change is significant or potentially harmful, the citizens should have the opportunity to decide their own future directly through a ballot.

Section 3. Provisions

A. No public street, or portion thereof, owned or controlled by the City, or agency thereof, shall be dedicated to a bus-only, transit-only, or high-occupancy vehicle (HOV)-only use without the Berkeley City Council first having submitted a designation plan (as defined herein) to the citizens for approval by a majority of registered Berkeley voters voting in a general or special election.

B. Exceptions:

1. Voter approval is not required to dedicate space reasonably needed for bus stops for the loading and unloading of passengers.
2. Voter approval is not required for temporary dedication of lanes for special events or unique circumstances.

Section 4. Definitions

For purposes of this ordinance, the following terms are defined:

A. “Designation” or “designation plan” refers to a comprehensive plan involving creation of transit-only or HOV/bus-only lanes on streets or portions of streets that were available to automobile, pedestrian, or bicycle use, or used for street plantings, prior to April 15, 2008. This plan shall include information by which a reasonable person can assess how the designation and use will affect them. The plan shall include but not be limited to specific information on such items as the physical features that will impact drivers, transit riders, pedestrians, bicyclists, parking, neighborhoods, businesses, and emergency access, and the estimated fiscal impacts of the designation and use of the City and its taxpayers. The plan shall also specify legislative, administrative, and/or electoral methods for modifying the plan and its accompanying dedicated lanes.

B. “Dedication” refers to the transfer of rights for exclusive use of high-occupancy vehicles, buses, or other transit on portions of streets that were available to automobile, pedestrian, bicycle, or street-planting use prior to April 15, 2008.

Section 5. Implementation

A. The plan for the designation of lanes shall be guided by the Planning Commission and other commissions as the City Council deems appropriate, and shall be approved by the City Council. The designation planning process shall permit frequent and significant public input, including public hearings before the involved commissions and the City Council.

B. Any City approval of transit-only or HOV/bus-only lanes, exclusive of the exceptions above, approved on or after April 15, 2008 that does not comply with this ordinance shall be declared null and void.

C. The Berkeley General Plan Transportation Element shall be modified to be consistent with this ordinance.

D. The terms of this ordinance shall be interpreted liberally to give full effect to the foregoing policies adopted by the people of Berkeley.

Section 6. Severability

If any part or provisions of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are severable.