



Kate Harrison
Councilmember, District 4

TIME CRITICAL AGENDA MATERIAL

Meeting Date: November 20, 2023

Item Description: Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC

The FITES Committee hearing regarding the terrible hit-and-run incident on Derby St. occurred after the submission deadline for the December 5, 2023 Council meeting.

At the meeting, the public heard from the victim's family and City staff about potential traffic calming measures, including those outlined in a petition which now includes more than 16,000 signatures.

This item designates the existing \$900,000 FY 2024 Transportation Network Company (TNC) Tax allocation to fund many of the measures outlined in the petition, and to increase the historically underfunded citywide traffic calming budget while preserving remaining funds for priority bike/pedestrian/transit projects. The item also refers to staff to establish an ongoing General Fund policy for allocating the TNC tax.

In order to be timely considered as part of the AAO #1, this item is being submitted as time critical.

For the forgoing reasons this item is time critical and in the immediate public interest.

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or Council Member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

The author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda Committee. **Per BMC 2.06.060 (D), Time Critical items must be accompanied by complete reports and statements of financial implications.**

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar



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CONSENT CALENDAR
December 5, 2023

To: Honorable Members of the City Council

From: Councilmembers Harrison (Author) and Taplin (Co-sponsor)

Subject: Budget Referral: Allocate the Existing \$900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC

RECOMMENDATION

Designate existing \$900,000 FY 2024 Transportation Network Company (TNC) Tax allocation as follows:

1. \$100,000 in short, medium, and long-term traffic calming measures in the vicinity of 2023 Halloween Derby St. hit-and-run incident involving a minor to include speed tables, highlighting designation of crosswalks, and consideration of a stop sign on Mabel at Carleton and Derby.
2. \$25,000 to purchase five additional portable speed radar trailers bringing the City's total to seven for targeted traffic calming; and
3. \$325,000 to increase the citywide Traffic Calming Budget on a one-time basis to \$400,000 (up from the current \$75,000); and
4. \$450,000 to citywide to fund:
 - a. tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and
 - b. priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and
 - c. priority quick-build public transit projects under the Street Repair Program; and
5. Refer to City Manager and Budget staff to establish an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under 3. a-c.

BACKGROUND

A child was hit by a speeding car Halloween night 2023 while trick-or-treating on Derby Street in southwest Berkeley, resulting in serious injuries. The driver did not stop. Miraculously, the child survived and is expected to make a full recovery, but not without

significant trauma for the victim, family, and community. The hit-and-run suspect is still at large.

The family of the victim of this horrifying traffic violence incident started a petition to address the lack of adequate traffic safety measures, specifically the absence of speed bumps, daylighted crosswalks, and stop signs.

As Chair of the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee, Councilmember Harrison scheduled a hearing on November 15, 2023 to provide the family with an opportunity to speak about their experience and petition, and to provide Transportation Division and Berkeley Police Department staff with an opportunity to respond and consider traffic calming measures.

Specifically, the petition, which now includes more than 16,000 signatures, requests that the Mayor, Council, the Berkeley Police Department and the Berkeley Department of Public Works:

1. install **speed bumps** on all streets running east to west between Sacramento and San Pablo, and from Dwight Way to Ashby. These include Dwight, Blake, Parker, Carleton, Derby, Ward, Stuart, Oregon, Russell and Julia streets. Speed bumps have been proven effective in reducing vehicle speeds by 20-25% (source: Federal Highway Administration), making our roads safer.
2. establish **brightly marked crosswalks at key intersections**. Pedestrian fatalities are twice as likely to occur at unmarked crossings compared to those with crosswalks (source: National Highway Traffic Safety Administration).
3. add **stop signs at critical locations**, specifically on Mabel at Carleton and at Derby. Stop signs not only regulate traffic flow but also prioritize pedestrian safety by forcing drivers to come to a complete halt.

This budget referral seeks to revise already allocated funds from FY 2024. In June 2023, the Council approved Councilmember Harrison's budget referral, submitted in January 2022, to allocate up to \$2 million in TNC revenues to tier 1 bike/pedestrian/mobility/transit projects.¹ Councilmember Harrison had previously proposed allocating TNC revenues to such purposes in early 2021.²

¹"Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects," January 18, 2022, <https://records.cityofberkeley.info/PublicAccess/api/Document/AYihhf5w8HzhLOFURtCVnulzC%C3%89L08MaMb7h8yezajQQXCe8nTt4CrnqA1hIk9fBiQvytqZyp9gxr22wMc75S00%3D/>

²"Budget Referral: Allocate Transportation Network Companies User's Tax Proceeds and other General Fund Revenues to Support Priority Protected Bicycle Boulevards and the Street Repair Program," March 9, 2021, <https://records.cityofberkeley.info/PublicAccess/api/Document/ARkxRrGkx0%C3%89GGtZtKu8>

Berkeley voters overwhelmingly passed the TNC User's Tax (Measure GG) in 2020 with a 50-cent fee per rideshare trip specifically in order to generate "at least \$900,000 annually to support general municipal services like paving streets and improving pedestrian and bicycle infrastructure."³ City staff estimate that the tax will bring in approximately \$1-1.5 million per year. As the legislative record demonstrates, it is difficult to budget on periodic basis based on revenues. Rather, as included in this item, the Council should establish a general fund revenue policy to ensure that the funding is allocated automatically.

Of the total \$900,000 FY 2024 TNC allocation, this budget referral would designate \$100,000 to short, medium and long-term traffic calming upgrades in the vicinity of the neighborhood where the traffic violence occurred. This includes \$100,000 in dedicated funding for speed tables, daylighting and consideration of a stop sign and \$25,000 for purchasing approximately five additional speed trailers that can be deployed across the City to calm traffic (bringing the City's total to seven). All of these measures were discussed in detail during the November 15, 2023 FITES Committee meeting.

In addition, in recognition of the FITES discussion, the petition, and historic citywide concerns about the City's woefully underfunded traffic calming budget, this item increases the citywide budget from \$75,000 to \$400,000.

Consistent with Council's action in adopting Councilmember Harrison's 2022 budget referral as part of the FY 2024 budget, this item allocates the remaining \$450,000 to citywide priority bike/pedestrian/mobility/transit projects.

Finally, this budget referral refers to the City Manager and Budget staff to establish an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under recommendation 3. a-c.

It is in the public interest to immediately allocate these funds to protect children and other community members from traffic violence in West Berkeley, expand the historically underfunded traffic calming budget, and establish an ongoing policy of allocating TNC revenues consistent with voter intent to enhance low-carbon transportation infrastructure and mitigate for increase car traffic.

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³ "Argument in Favor of Measure GG," Berkeley City Clerk, August 2020, <https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/GG%20-%20Primary%20in%20Favor%20-%20FINAL.pdf>

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FISCAL IMPACTS OF RECOMMENDATION

No impact on the general fund as the Council already allocated \$900,000 from TNC tax revenues as part of the FY 2024 budget.

ENVIRONMENTAL SUSTAINABILITY

Traffic calming measures enhance community safety and can enhance usage of low-carbon pedestrian/bike/mobility/transit trips consistent with the City's Climate Action Plan goals.

CONTACT PERSON

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