



# TRANSPORTATION COMMISSION

## REGULAR MEETING

# AGENDA

February 21, 2019

City Corporation Yard, Building A  
Willow Room  
1326 Allston Way  
Berkeley, CA 94702

Thursday  
February 21, 2019  
7:00 PM

### A. PRELIMINARY BUSINESS

1. Call to Order by Vice Chair Humbert
2. Roll Call
3. Public Comment on items not on the Agenda
4. Approval of Minutes of **January 17, 2019\***
5. Approval and Order of Agenda
6. Update on Administration/Staff
7. Announcements

### B. DISCUSSION/ACTION ITEMS

\* Written material included in packet

\*\* Written material to be delivered at meeting

\*\*\* Written material previously mailed

The public may speak at the beginning of any item.

#### 1. **University Avenue Interchange Project Update**

Discussion; Q & A

Caltrans speaker (to be confirmed)

#### 2. **Stop Sign Warrants** (*Council Referral, Carried over from 1/17/19*)

Subcommittee Report (Greene, Oxley, Parolek)

#### 3. **Work Plan Review and Prioritization\*** (*Carried over from 1/17/19*)

Discussion and possible action to revise FY 2019 Work Plan, considering

- Addition of Council referrals e.g. Traffic Circles (12/11/18, Item 20), Fossil Fuel Free Berkeley (6/12/18, Item 30) [**note: City Manager report to Council is pending**] and Ordinance Restricting Number of Vehicles Parked on the street (2/27/18, Item 9), Create Incentives for sustainable transportation (11/27/18 Item 30), Research equitable exchange with TNCs (11/27 Item 33)
- Priorities and limits to resource capacity
- Staff (Secretary Javandel) updates on Strategic Plan (ref 12/6/18 item 3: [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/City\\_Council\\_12-06-2018\\_-\\_Special\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/City_Council_12-06-2018_-_Special_Meeting_Agenda.aspx) and Council prioritized referrals, of which Vision Zero is top priority: (ref 6/12/18 Special item1: [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/06\\_June/City\\_Council\\_06-12-2018\\_-\\_Special\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/City_Council_06-12-2018_-_Special_Meeting_Agenda.aspx))

Vice-Chair Humbert

#### 4. **Subcommittees, Appointments and Assignments for 2019** (*Carried over from 1/17; Written materials included in 1/17/19 packet B-8*)

Transportation Commission Agenda  
Thursday, February 21, 2019

- a. Appoint Liaison to attend Traffic Circle Working Group meetings
  - b. Establish (or re-establish) Ad Hoc Subcommittees and assignments as needed to advance work plan priorities in 2019
  - c. Other appointments or assignments as needed
- Vice Chair Humbert

**5. Transportation Commission Mission Statement\***

Discussion and possible recommendation to amend Council Resolution No. 55751; consider creation of Commission By-Law that the Commission Chair repeat the mission statement at the outset of each TC meeting  
Commissioners Zander, Lathbury, Parolek

**6. One Way CarShare Update\***

Staff (Ryan P. Murray, Shared Mobility Coordinator)

**7. Nomination and Election of Officers\***

Vice Chair Humbert

**C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS**

Information items can be moved to Discussion or Action by majority vote of the TC.

1. Subcommittee Reports: Verbal Reports from Subcommittees, Liaisons to PWC, COD, and goBerkeley Advisory Group)
2. Council Summary Actions 2018 (*in web packet*  
[https://www.cityofberkeley.info/Clerk/Commissions/Commissions\\_Transportation\\_Commission\\_Homepage.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Transportation_Commission_Homepage.aspx))
3. Link to Council and Agenda Committee Agendas and Minutes  
<http://www.ci.berkeley.ca.us/citycouncil/>

**D. COMMUNICATIONS**

*Received at 1/17/19 Meeting*

1. 2/27/18 Item 9- Council Referral – Restricting Number of Vehicles
2. a. 6/12/18 Item 30- Council Referral – Fossil Fuel Free Berkeley  
b. 6/12/18 Item 30-Supplemental – Fossil Fuel Free Berkeley
3. a. 11/27/18 Item33 Council Referral – Equitable exchange TNCs  
b. 11/27/18 Item33 Supp. – Equitable TNCs
4. Pedestrian Master Plan Presentation 1-17-2019
5. Matt Haber- Draft Parking Ordinance- Number of Vehicles parked on the street

*Received since 1/17 Meeting:*

6. Commission on Aging – Scooter Share Pilot Concerns\*
7. 2/15/2019 Staff email re Effects of Government Shutdown

**E. FUTURE AGENDA ITEMS**

Repaving Policy & Plan- PW Staff Invited  
Work Session on TC Work Plan- March


Adopt 2020 Work Plan - June  
Hwy 13/Ashby Corridor Update

**F. ADJOURNMENT**

Agenda Posted: February 15, 2018

A complete agenda packet is available for public review at the Main Branch Library and at the Transportation Division front desk.

### **ADA Disclaimer**

 *This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.*

### **Communications Disclaimer**

*Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.*

*Commission Secretary: Farid Javandel, Transportation Division Manager, 1947 Center St., 4th Floor, Berkeley, CA, 94704, Telephone (510) 981-7061, Fax: (510) 981-7060 TDD: (510) 981-6347 email: [Fjavandel@ci.berkeley.ca.us](mailto:Fjavandel@ci.berkeley.ca.us)*



**DRAFT ACTION MINUTES**  
**Transportation Commission**  
**Regular Meeting**  
 January 17, 2019

**Willow Room**  
**City Corporation Yard, Bldg. A**  
**1326 Allston Way**  
**Berkeley, CA 94702**

**A. PRELIMINARY BUSINESS**

**1. Call to Order**

Meeting called to order by Vice Chair Humbert at 7:05 PM

**2. Roll Call**

Commissioners Present: Ben Gerhardstein, Beverly Greene, Mark Humbert, Donald Lathbury (Arr 7:08), Karen Parolek (Arr 7:15), Sofia Zander

Commissioners Absent: Anthony Bruzzone (L/A), Barnali Ghosh (L/A) Nicholas Oxley (L/A)

Staff Present: Farid Javandel, Tamlyn Bright, Elmar Kapfer, Beth Thomas

**3. Public Comment on items not on the Agenda**

**4. Approval of Minutes:** Action: It was M/S (Zander/ Lathbury) to approve the Draft Action Minutes of October 18, 2018 as written. Ayes: Greene, Humbert, Lathbury, Zander Noes: None Abstain: Gerhardstein Absent: Parolek  
 Motion carried 4-0-1-1.

**5. Approval and Order of Agenda-** No action

**6. Update on Administration/Staff**

**7. Announcements**

**B. DISCUSSION/ACTION ITEMS**

**1. Measure T-1 Update**

Slideshow Presentation by T-1 Staff (Elmar Kapfer, Facilities Manager) Q & A

Speakers: 1

Action: None

**2. Pedestrian Plan Update**

Slideshow Presentation by Beth Thomas, Principal Planner.

Speakers: 1

Action: None

**3. Election of Officers**

Speakers: 0

Action: It was M/S (Zander/Parolek) to assign Commissioner Zander to poll the three commissioners not present as to which members were both willing and available to serve as Chair and/or Vice Chair and to report this information to the staff Secretary. Staff will inform Sofia when an appointment has been made to the vacant seat for Dist. 7

Unanimous. Motion carried 6-0-0-0.

**4. Adopt 2019 Regular Meeting Schedule**

Speakers: 0

Action: It was M/S (Lathbury/Zander) that the Commission adopt third Thursday at 7:00 PM every month except August and December as its regular meeting schedule in 2019. Unanimous. Absent: None Motion carried 6-0-0-0.

**5. Stop Sign Warrants**

Speakers: None

Action: It was M/S (Greene/ Parolek) to carry over this item for discussion in February. Unanimous. Absent: None Motion Carried. 6-0-0-0

**6. Transportation Commission Mission Statement**

Action: It was M/S (Zander/Lathbury) that Commissioners Parolek, Zander, and Lathbury confer and develop a revised mission and role statement that the Commission Chair will restate at the beginning of each TC meeting, and bring proposed language back for a vote at the February meeting. Unanimous.

Absent: None Motion carried. 6-0-0-0

9:30 PM: **Action:** It was M/S ( Lathbury/Zander) to extend the meeting to 9:40PM. Unanimous. Motion carried. 6-0-0-0

**7. Work Plan Review and Prioritization**

Action: 1) It was M/S (Humbert/Zander) that the TC vote to add items to the 2018-2019 Work Plan and assign the newly-elected Chair to draft recommendations for the following meeting. Discussion. Withdrawn. 2) Substitute motion: It was M/S (Lathbury/Zander) to schedule a preliminary discussion of the Work Plan priorities at the February meeting and finalize it at the March meeting. Unanimous Motion carried. 6-0-0-0

**8. Ad Hoc Subcommittee Appointments and Assignments**

It was M/S (Parolek/ Greene) to carry this item over to February Meeting. Unanimous. Motion carried. 6-0-0-0

**C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS**

1. Subcommittee Reports (Verbal reports Subcommittees and Liaisons)
2. Council Summary Actions 2018 (Final)
3. Link to Council and Agenda Committee Agendas and Minutes:  
<http://www.cityofberkeley.info/citycouncil/>
4. I-80-Gilman Interchange Improvement Project
5. Link to [2018 Edition of Commissioners Manual](#)  
**Received.**

9:40 PM: **Action:** It was M/S (Lathbury/ Gerhardstein) to extend the meeting to 9:45

**D. COMMUNICATIONS**

*Received at 10/18 meeting and posted in 11/15 online agenda:*

1. R. DelRosario Map: AC Transit Bus Network – Berkeley
2. Joan Guilford –traffic calming on LeConte
3. Anonymous –Separated bikeway on Hearst Repaving project

*Received since 10/18 meeting:*

4. City Survey on Electric Vehicle Roadmap\*\*\*  
[https://www.opentownhall.com/portals/257/Issue\\_7014?cookies=detect](https://www.opentownhall.com/portals/257/Issue_7014?cookies=detect)

9:45 pm: **Action:** It was M/S (Greene/Parolek) to extend the meeting to 9:50 PM. Unanimous. Absent: None Motion Carried.

**E. FUTURE AGENDA ITEMS**

Ashby/Hwy 13 Corridor Projects Update - Feb	One Way CarShare Update - Feb
Election of Officers - Feb	Vision Zero Policy Recommendations
Adopt FY 2020 Work Plan - June	Update-Impact of Fed. Government shutdown - Feb
	University Ave Interchange – Invite Caltrans

**F. ADJOURNMENT**

*It was MSC ( Gerhardstein / Zander )Unanimous to adjourn the meeting at 9:52 PM.  
Absent: None*

Public Present: 4

Speakers: 3

Commission Secretary: Farid Javandel, Public Works/Transportation Division, 1947 Center St.,  
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Minutes on the web: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=13086>



Planning Commission

TC Agenda 2/21/19

## INFORMATION CALENDAR

January 29, 2019

To: Honorable Mayor and Members of the City Council

From: Planning Commission

Submitted by: Chris Schildt, Chairperson, Planning Commission and Jeff Vincent,  
Chairperson of the Workplan Subcommittee

Subject: Planning Commission Workplan 2018-2019

### INTRODUCTION

The City of Berkeley Planning Commission (PC) hereby submits its work plan for Fiscal Year 2018, pursuant to the Berkeley City Council's request.

### CURRENT SITUATION AND ITS EFFECTS

Unlike other city commissions, the PC's workload is almost exclusively dictated by referrals from the City Council. Each year, the Council goes through an extensive referral ranking process, which shapes the prioritization of work for the PC. Thus, by design, the PC has far less latitude than other city commissions in setting its agenda. As of October 2018, the PC has a workload of more than 40 referrals from the City Council.

The PC's workplan organizes the referrals around three strategic areas of PC interest/outcome, as described below. Across these strategic outcome areas, the PC aims to **demonstrate state-wide leadership in promoting social equity, affordability, and climate resilience issues**. In some cases this requires action to comply with new state laws, and in some cases this may involve going "beyond" state laws to recommend local land use policies that the PC feels will achieve more equitable results than state requirements.

#### ***Strategic Outcome Areas:***

1. **Increase affordable housing.** This includes retaining and expanding the stock of affordable housing available throughout the city. The commission has identified three mechanisms by which we can advance this strategic outcome:
  1. Modify development standards to create more affordable housing;
  2. Revise administrative procedures and levels of discretion to streamline affordable housing;
  3. Develop community benefits and other value capture mechanisms in order to maximize affordability in new development.

2. **Promote healthy, livable communities.** This includes ensuring Berkeley residents live in safe, healthy, and accessible communities with parks, schools, local businesses, and cultural institutions, and promoting healthy mobility options for all residents.
3. **Support community economic development and commercial vitality.** This includes preserving and enhancing Berkeley's thriving neighborhood commercial areas and ensuring a vibrant downtown.

**Resources:** Significant staff time is required to conduct the research, write reports, and draft zoning language. In some cases, consultants are brought on board to assist staff.

**Activities:** For each referral, the PC's action requires staff time for substantive reports on each topic within each referral as well as developing draft zoning language changes. Often the draft zoning language goes through multiple revisions across multiple PC meetings.

**Outputs:** On nearly all referrals, the PC output consists of recommendations to the City Council.

## **BACKGROUND**

City Council has requested that each commission provide a workplan that explains the mission and goals of each appointed body. The mission of the Planning Commission, as outlined in the City Charter, reads:

*"The Commission recommends modifications to the City of Berkeley General Plan and related policy documents. All Zoning Ordinance amendments are developed through this Commission and recommended to the City Council. Other purviews include subdivision map consideration and review and comments on substantial projects from surrounding jurisdictions."*

Members of the PC have discussed their goals and prioritized three strategic outcomes to guide their 2018-2019 work as described above: 1) Increase affordable housing; 2) Promote healthy, livable communities; and 3) Support community economic development and commercial vitality.

At its meeting of November 7, 2018, the Planning Commission voted to adopt this workplan with Commissioner Vincent's edits and send it to City Council. [Vote: 8-0-0-1; Ayes: Martinot, Kapla, Schildt, Vincent, Fong, Pinto, Beach, Lacey. Noes: None. Abstain: None. Absent: Wrenn. Motion/Second: Kapla/Schildt]

The attached Planning Commission Workplan Table 2018-2019 (see *Attachment 1*) shows prioritized referrals, referrals awaiting action from other commission(s), referrals ranked by City Council that are slated for PC action to begin after the current work planning period (ending June 2019) based on resources and capacity, and referrals not



ranked by City Council for 2018-2019 work plan but which will be added to PC work schedule in priority order once ranked by Council.

**ENVIRONMENTAL SUSTAINABILITY**

The PC's workplan aids in advancing the city's goals around sustainability and greenhouse gas reduction.

**POSSIBLE FUTURE ACTION**

The PC's pace in working through City Council referrals is determinant on staff support. Currently, the Long Range Policy Group has two FTE staff planners (with plans to hire a 3<sup>rd</sup> and 4<sup>th</sup> soon) that support the growing workload of the PC. The PC is understaffed relative to its workload, as created by the City Council and relative to other Commissions. The PC's ability to move more quickly through City Council referrals could be greatly improved by increasing staff support to the PC.

The PC also makes additions or changes to the workplan as expedited referrals and other timely requests which arise from the City Council.

***Resources Needed:*** Given the urgency of the housing situation in the City of Berkeley, additional staff support for the PC seems to be a prudent priority for city leaders to address.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

Increasing staff support to the PC will likely incur expense to the City of Berkeley Planning Department.

**CONTACT PERSON**

Alene Pearson, Commission Secretary, Land Use Planning Division, 510-981-7489

Attachments:

1: PC Workplan Table 2018-2019

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
A. Referrals Prioritized by PC for 2018-2019 Workplan		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission ?
Small Business Package	started			x	
Moderate Impact Home Occupations	started			x	
Comprehensive Cannabis Ordinance	3 started referrals		x	x	
Density Bonus Package	56, 16, and 2 started referrals	x			JSISHL
Student Housing Package	16, 56, and two started referrals	x			JSISHL
Adeline Community Benefits/Land Value Capture	10	x	x		
Streamline Permitting for Affordable Housing	started	x			JSISHL
Zoning Ordinance Revision Project Phase 1 & 2	started		x		
Green Affordable Housing	started	x			
Flexible Ground Floor Uses	25 and one started referral	x			
Housing Linkage Fees	started (short-term)	x			

B. Referrals Awaiting Action by Other Commission(s)		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission ?
Reclassify 1050 Paker from MU-LI to C-W	57			x	ZAB approval

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
Green Stormwater Requirements from CEAC			x		CEAC
Air Pollution Performance Standards from CEAC			x		CEAC
Denial of Permits to Violators			x		HAC

C. Referrals ranked by City Council, work to begin after end of this work planning period (June 2019) TBD, based on resources and capacity		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission ?
Toxic Remediation Regulations	started		x		
Green Development Standards from CEAC	started (by CEAC)		x		
Lower discretion for internal remodeling	14		x		
Expand boundaries of Downtown Arts District	17			x	
Junior ADUs	20				
San Pablo Ave Specific Area Plan	23		x		
ADUs in very high fire zones	43		x		
Health Equity and Innovation District	49		x		
Research Tiny Homes, YSA Tiny Homes	63	x			
Commercial Square Footage in C-E	59			x	

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS			
D. Referrals not ranked by City Council for 2018-2019 work plan; will be added to work schedule once ranked based on ranking.		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	Waiting on other Commission ?
Demolition Ordinance		x			
ADUs for Homeless		x			
Fee Waivers for Housing Trust Fund Projects		x			
Auto Uses in C-SA				x	
ADA Improvements in ADUs			x		
Inclusionary Requirement for Live/Work		x			
Mini Dorms (student housing)		x			
ADU Mods			x		

\* "started" is a referral on which substantive work began before last Council RRV, thus not subject to re-ranking. If blank, the referral has not yet been ranked by the City Council

NOTE: Many of these referrals touch on all 3 strategic outcome areas.

REFERRALS to Planning Commission by the City Council	RANKING* - RRV & HAP	STRATEGIC OUTCOME AREAS				
Referrals Prioritized by PC for 2018-2019 Workplan		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	4. Comply with or Exceed State Law	Waiting on other Commission ?
Small Business Package	started	x				
Moderate Impact Home Occupations	started			x		
Comprehensive Cannabis Ordinance	3 started referrals			x	x	
Density Bonus Package						
Develop Community Benefits with C-T development standards (see Student Housing Package)	started					
Create pilot program for in-lieu fees for City Density Bonus (see Student Housing Package)	56	x				
Revise General Plan & Zoning Ord. to add written standards including density standards for parcels	started					
Amend Zoning Ord. to increase max height by 20' and adjust FAR in area bounded by Bancroft, College, and Fulton (see Student Housing Package)	16					
Student Housing Package	16, 56, and two started referrals	x				
Adeline Community Benefits/Land Value Capture	10	x	x			
Streamline Permitting for Affordable Housing	started	x				JSISHL
Zoning Ordinance Revision Project Phase 1 & 2	started		x			
Green Affordable Housing	started	x				
Flexible Ground Floor Uses	25 and one started referral	x				
Housing Linkage Fees	started (short-term)	x				

RESOURCES	ACTIVITIES	OUTPUTS
LUP & OED staff time to write staff reports and Staff time to write staff reports		
Cannabis Commission Staff time to write Zoning	Commission will review language and provide feedback	Commission makes recommendations to Council
Staff time to write staff reports		
Staff time to write staff reports		
Consultant Staff time		
Staff time to write staff reports		
Staff time to write staff reports		
Adeline consultant Staff time		
JSISHL Subcommittee Staff time to write staff	JSISHL will review state housing laws, provide	JSISHL will make recommendations to the Council
Consultant ZORP Subcommittee		
Staff time to write staff reports and zoning		
Staff time to write staff reports		
Consultant Staff time		

Referrals Awaiting Action by Other Commission(s)		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	4. Comply with or Exceed State Law	Waiting on other Commission ?
Reclassify 1050 Paker from MU-LI to C-W	57			x		ZAB approval
Green Stormwater Requirements from CEAC			x			CEAC
Green Development Standards from CEAC			x			CEAC
Air Pollution Performance Standards from CEAC			x			CEAC
Denial of Permits to Violators			x			HAC

Staff time and ZAB		

Referrals ranked by City Council, work to begin after end of this work planning period (June 2019) TBD, based on resources and capacity		1. Increase Affordable Housing	2. Promote Healthy, Livable Communities	3. Support Economic Development and Commercial Vitality	4. Comply with or Exceed State Law	Waiting on other Commission ?
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Mini Dorms (student housing)		x				
ADU Mods			x			


\* "started" is a referral on which substantive work began before last Council RRV, thus not subject to re-ranking. If blank, the referral has not yet been ranked by the City Council





**To: Transportation Commission**  
**From: Commissioners Zander, Lathbury, and Parolek**  
**Date: January 30, 2019**  
**Re: Statement on the Mission of the TC**

## Background

Based on our discussion at the January TC meeting, we drafted the statement below to be read at the beginning of each meeting. The intent is to remind the commissioners and members of the public of our common purpose, and the responsibilities and limitations of our role.

In addition, there is interest in keeping a consolidated list of plans and policies that guide and/or impact all transportation-related work in Berkeley. The intent of this list is to inform commissioners and members of the public of the plans and policies that the City has already agreed to use and/or approved and reduce redundant debate and efforts. A draft list is included at the end of this memo.

## ---> Action Items for TC

1. Should we read the mission statement at the beginning of each meeting?
2. Should we have and/or maintain a list of Berkeley-specific transportation-related plans and policies?
  - a. If so, how should this be provided and/or updated?

## Mission Statement

### Draft Statement on Mission of Transportation Commission:

The Berkeley City Council established this Transportation Commission to advise the City Council on matters related to transportation policies, facilities, and services in the City. We are empowered to hold hearings, gather information, and provide recommendations to the City Council in order to help them make informed transportation decisions. The Transportation Commission's work is guided by several transportation-related documents and policies implemented by the City Council, including the Transportation Element of the General Plan, Bike Plan, Pedestrian Plan, Climate Action Plan, West Berkeley Circulation Master Plan, Complete Streets Policy, and BeST Plan.

## Related Plans and Policies

- A. [Transportation Element](#) (2001) of the [General Plan](#) (2003)
  - a. Transit-First Policy (General Plan Policy T-4 "Transit-First Policy")
- B. [Bike Plan](#) (2017)
- C. [Pedestrian Plan](#) (2010, update in process)
- D. Vision Zero
- E. [Climate Action Plan](#) (2009, 2018 update)
- F. [West Berkeley Circulation Master Plan](#) (2009)
- G. [Complete Streets Policy](#) (2012 Council Resolution)
- H. [BeST Plan](#) (2016)
- I. [Berkeley Bike Boulevard Design Guidelines](#) (2000)



Department of Public Works  
Transportation Division

B-6

## MEMORANDUM

Date: February 15, 2019

To: Transportation Commission

From: Beth Thomas, Principal Planner  
Ryan Murray, Shared Mobility Coordinator

Subject: One Way Car Share Update

Staff requests a Commission recommendation to Council that the City's current One-Way Car Share Pilot Program transition to an ongoing program.

The existing One-Way Car Share Pilot Program allows Berkeley residents and visitors to pick up a vehicle from one location and drop it off at another. The free-floating system adopted by Berkeley allows maximum trip flexibility that closely mimics the benefits of private vehicle ownership. Members find a vehicle through a smartphone application or by placing a voice call on their phone, use the vehicle as long as needed, and end their reservation at a public parking space with a two hour or more time-limit duration within the car share organization's designated service area.

In order to operate a one-way car sharing service, a qualified organization pays the following to the City annually:

- An administration fee for staffing, materials, and other direct costs;
- A per-vehicle fee for a Master Residential Parking Permit (RPP) priced at three times what residents pay; and
- A per vehicle deposit for a Free-Floating Parking Permit for parking at metered spaces based on anticipated metered parking usage.

The original and current administration fee is \$11,375 annually. Staff proposes that the administration fee be raised to \$12,703 annually to account for pay increases for City staff administering the program. The parking permit fees were adjusted by Council in October 2018 and are current with the RPP and parking meter rate increases that occurred over the duration of the pilot program.

A3 Mobility, a subsidiary of the American Automobile Association of Northern California, Utah, and Nevada, launched GIG Car Share (GIG) on April 30, 2017 in Berkeley and Oakland as the first qualified car share organization operating one-way car share. They established a designated service area of 12.8 square miles with 250 vehicles (5.2 square

miles in Berkeley) when GIG launched, a coverage of about twenty vehicles per square mile. In response to customer demand, GIG expanded its designated service area six times between September 2017 and May 2018. As of October 2018, the fleet size is 475 vehicles. The result is a designated service area of 26.2 square miles (6.7 square miles in Berkeley) for coverage of about eighteen vehicles per square mile. Berkeley memberships have been growing steadily, increasing 85 percent from the fourth quarter of 2017 to the third quarter of 2018.

This growth in usage appears to be helping the City achieve its Climate Action Plan targets for reducing greenhouse gas emissions. Past research shows that car share lowers vehicle ownership (one car share vehicle replaces seven to eleven cars); increases walking and bicycling; and decreases vehicle miles traveled and greenhouse gas emissions.<sup>1</sup> Without Council approval to transition One-Way Car Share to an ongoing program, the Pilot Program will sunset at the end of June 2019.

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<sup>1</sup> Martin, Elliot and Shaheen, Susan, *Impacts of Car2Go on Vehicle Ownership, Modal Shift, Vehicle Miles Traveled, and Greenhouse Gas Emissions: An Analysis of Five North American Cities*, July 2016, published by the Transportation Sustainability Research Center at UC Berkeley, access at <http://bit.ly/29WkSFG>

RESOLUTION NO. 63,876–N.S.

AMENDING RESOLUTION NO. 60,531–N.S. RELATING TO MANDATORY TRAINING FOR CHAIRPERSONS AND VICE CHAIRPERSONS OF CITIZEN BOARDS AND COMMISSIONS

WHEREAS, Resolution No. 60,531–N.S. was adopted on May 9, 2000 by the City Council; and

WHEREAS, Resolution No. 60,531–N.S. requires all chairpersons and vice chairpersons of citizen boards and commissions to attend mandatory annual training; and

WHEREAS, completion of the required training by watching a comprehensive video is an acceptable, convenient, and beneficial method for meeting the training requirement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Section 2 of Resolution No. 60,531–N.S. is hereby amended as follows:(amended language appears in *italics*):

Section 2. Mandatory Annual Training for Officers

Chairpersons and vice chairpersons are required to attend mandatory annual training on: a) the parliamentary procedure of conducting and presiding over meetings according to the Brown Act and City policy; b) the role of the commission and its organization; and c) the commission's relationship to the City Council, the City Manager, the secretary, other commissions, outside agencies, and the general public.

In the event the officer(s) of the commission fails to attend a training session, her/his position as an officer of the commission shall be forfeited immediately following the last training session scheduled that year. Several training workshop sessions shall be provided each year in order to accommodate everyone's schedule.

*In lieu of attending an in-person training, the chairperson or vice chairperson may view, in its entirety, a training video obtained from the City Clerk Department or the training video for this purpose posted on the City Clerk website.*

*Upon completion, the chairperson or vice chairperson must file with the City Clerk an Affirmation of Completion.*

*The training video must be viewed and the Affirmation of Completion must be filed with the City Clerk no later than 60 calendar days from the date of election as chairperson or vice chairperson. Failure to complete the video training and file the Affirmation of Completion within 60 days of election will result in the immediate forfeiture of the position of chairperson or vice chairperson.*

\* \* \* \* \*

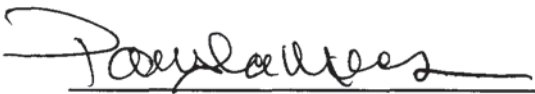
The foregoing Resolution was adopted by the Berkeley City Council on November 6, 2007 by the following vote:

Ayes: Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Tom Bates, Mayor

Attest:   
\_\_\_\_\_  
Pamyla Means, MMC, City Clerk

1. [Pedestrian Master Plan Update](#) (Continued from December 4, 2018)  
[Presentation](#)

**From: City Manager**

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** 2 speakers. Presentation made and discussion held.

January 29, 2019 Regular

12. [Vision Zero: eliminating pedestrian, bicyclist and traffic injuries and fatalities](#)  
[Revised materials](#) (Supp 2)

**From: Councilmembers Droste, Kesarwani, Wengraf and Mayor Arreguin**

**Recommendation:** 1) Create an official Vision Zero Task Force (or Leadership Committee) to lead the planning and implementation effort for Vision Zero. The Task Force should include, at a minimum, representatives from the City Manager's office, Police, Public Works (Transportation and Engineering Divisions), Fire, and Public Health ([visionzeronetWORK.org](http://visionzeronetWORK.org)).

2) Request that the City Manager hold community events to encourage equitable outcomes, cooperation and collaboration from community stakeholders to set shared goals and focus on coordination and accountability. Representatives from various commissions, including but not limited to Transportation, Disability, Aging, and Health, should be encouraged to attend and provide input.

3) Request that the City Manager hold a worksession here a Vision Zero Action Plan is presented for eliminating fatal and severe traffic injuries. Subsequent to the worksession, request that biannual informational updates on Vision Zero progress are reported to Council. The Action Plan should establish clear strategies, owners of each strategy, interim targets, timelines, & performance measures ([visionzeronetWORK.org](http://visionzeronetWORK.org)).

**Financial Implications:** None

Contact: Lori Droste, Councilmember, District 8, 981-7180

**Item Number: 12**

**Item Description:** Vision Zero: eliminating pedestrian, bicyclist and traffic injuries and fatalities

**Submitted by:** Councilmember Lori Droste, Mayor Jesse Arreguin, Councilmember Rashi Kesarwani, and Councilmember Susan Wengraf

Item revised to include a budget referral for a full time staff position to carry out Vision Zero workplan.

**Action:** Approved recommendation as revised in Supplemental Communications Packet #2 to add the following language to the recommendation:

*Refer to the budget process an allocation of \$207,150 to support a full time staff position to carry out Vision Zero workplan, staff the Task Force, etc.*

13. [Implement Residential Preferential Parking \(RPP\) Program on Sections of Fifth Street and Martin Luther King Jr. Way](#)

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Sections 25J and 25P by adding

## Transportation Commission

### Excerpts of Council Actions 2019

subsections to implement Residential Preferential Parking (RPP) on portions of two city streets.

**Financial Implications:** See report

Contact: Phillip Harrington, Public Works, 981-6300

**Action:** M/S/C (Hahn/Robinson) to adopt Resolution No. 68,754–N.S.

**Vote:** Ayes – Kesarwani, Davila, Bartlett, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Wengraf.

#### January 22, 2019 Regular

15. [Contract: TranSystems Corporation for Preliminary Engineering and Environmental Clearance for the Railroad Crossing Safety Improvement/Quiet Zone Project](#)

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with TranSystems Corporation for Preliminary Engineering and Environmental Clearance for the Railroad Crossing Safety Improvement/Quiet Zone project, and any as-needed additional project-related services as directed by the City, for a total not-to-exceed contract amount of \$500,000, for the period February 1, 2019 through December 31, 2019.

**Financial Implications:** Capital Project Grant Fund - Local - \$500,000

Contact: Phillip Harrington, Public Works, 981-6300

Action: Adopted Resolution No. 68,737–N.S.

#### January 15, 2019 (Special)

3a. [North Berkeley BART Zoning and Future Development Supplemental material \(Supp 3\) Presentation Presentation](#)

From: Mayor Arreguin

Contact: Jesse Arreguin, Mayor, 981-7100

3b. **North Berkeley BART Site Recommendations** (Continued from November 27, 2018)

From: Housing Advisory Commission

Contact: Amy Davidson, Commission Secretary, 981-5400

**Action:** 48 speakers. Presentation made and discussion held.



COUNCILMEMBER LINDA MAIO  
City of Berkeley

**ACTION CALENDAR**  
February 27, 2018

TO: Honorable Mayor and Members of the City Council

FROM: Councilmembers Linda Maio and Kate Harrison

SUBJECT: Restricting the Number of Vehicles Being Parked on Our Streets

### RECOMMENDATION

Refer to the Transportation Commission to establish an ordinance that would prevent the parking of many multiples of vehicles on any given Berkeley street, or contiguous streets, by an individual owner.

### BACKGROUND

Neighbors have complained about households with an inordinate number of vehicles parked on the street, preventing them from parking. In one case an owner is either a “collector” or has vehicles for resale and keeps them on the street, in large numbers. The owner moves them to avoid the 72 hour limit or moves them when officers place the 72 hour sticker on the windshield (which they do regularly in response to complaints). The upshot is that other residents cannot find parking on their own street and our *police resources are being squandered*. Here is an excerpt from an exchange with a Police Lieutenant about this particularly difficult situation:

*“The simple answer to your question is, BMC 14.26.050 local and California Vehicle Code (CVC) section 22651 (k) both state no person may leave a vehicle on city streets (public roadway) for more than 72 hours. There is no law limiting the number of cars a person may own. The owner claims to be a collector. State and local laws allows the parking of the majority of vehicles on public roadways for up to 72 hours. This owner is well aware of this and complies with these laws. We in parking have been monitoring this issue for quite some time. The owner is no stranger to us. If a neighbor calls and says a car has been there for more than 72 hours we go and mark it and the owner moves it. We do this six days a week with the exception of Sundays and holidays. We will continue to enforce the area in a fair and pragmatic way.”*

This referral will allow the Commission to research and recommend either a preferred way, or options for the Council to consider, to address using spaces to be shared with others for personal advantage.

Some possible options: limit the number of cars that can be registered at one address; establish a limit of 2 or 3 times a car can be in violation of the 72 hour rule in a specific time frame after which a citation would occur.

### ENVIRONMENTAL SUSTAINABILITY

No environmental sustainability impact.



FINANCIAL IMPLICATIONS

None at this time.

CONTACT

Office of Councilmember Linda Maio, District 1

510.981.7110 | [Imaio@cityofberkeley.info](mailto:Imaio@cityofberkeley.info) | [cityofberkeley.info/lindamaio](http://cityofberkeley.info/lindamaio)

Office of Councilmember Linda Maio, District 4

510.981.7140 | [kharrison@cityofberkeley.info](mailto:kharrison@cityofberkeley.info) | [cityofberkeley.info/council4](http://cityofberkeley.info/council4)



Councilmember Cheryl Davila  
District 2

CONSENT CALENDAR  
June 12, 2018

**To:** Honorable Mayor and Members of the City Council  
**From:** Councilmember Cheryl Davila, Mayor Jesse Arreguin and Councilmember Kate Harrison  
**Subject:** Fossil Fuel Free Berkeley

RECOMMENDATION

Refer to the Energy Commission and Transportation Commission the proposed resolution to further implementation of the Climate Action Plan and establish the goal of becoming a Fossil Fuel Free Berkeley:

- Establish a date by which we are committed to being a Fossil Fuel Free City.
- Oppose further transportation of oil, gas, and coal.
- Strengthen green building requirements for newly constructed city facilities, and major renovations, including the potential for Zero Net Energy and further integration of considering climate impacts in capital planning projects. Current requirements are LEED Silver, which are far below what we require for new buildings in the Downtown.
- All future City government procurements of vehicles should minimize emissions and set a goal of transitioning the city’s vehicle fleet to all electric vehicles
- Establish a goal of transitioning to 100% renewable energy for municipal operations and community wide goal of 100% reductions by 2030.
- Formally oppose recent expansion of offshore drilling by the Trump Administration.
- Call for region-wide solutions to carbon emissions, including rapid adoption of renewable energy sources, affordable densification of cities and low-emissions public transportation infrastructure.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

ENVIRONMENTAL SUSTAINABILITY

Establishing the goal of achieving a Fossil Free City, and strengthening green building, city vehicle procurement, and renewable energy initiatives will further implementation of the Climate Action Plan.

BACKGROUND

On June 1, 2017, the 45th president and administration announced its intention to pull the United States out of the Paris Agreement, reached by 194 countries at the United Nations Conference of Parties 21 meeting in November, 2015. This action undercuts commitments the United States has made to our global partners and to United States citizens to combat climate change and reduce our GHG emissions. The 45th Administration has removed "global warming" and "climate change" content from many Federal agency websites and has proposed to cut funding for Federal research on clean energy, energy efficiency, clean fuels and clean transportation.

The Interior Department recently proposed opening Federal waters to new leases for oil and gas drilling, including off the coast of California. These and other reckless climate denial actions by the current federal Administration create tremendous risk and instability to the world's efforts to forestall climate catastrophe now and for future generations. It is now critical that cities double our climate commitments and actions. Cities must say no to new or expanded fossil fuel projects/use and move more rapidly to 100% clean energy. The City of Berkeley must accelerate and expand our leadership on issues laid out in our Climate Action Plan. This resolution is modeled after a resolution passed in Portland, Oregon and is part of the Fossil Fuel Free campaign by 350.org.

CONTACT PERSONS

Councilmember Cheryl Davila      510.981.7120

RESOLUTION NO. ##,###-N.S.

ESTABLISHING A GOAL OF ACHIEVING A FOSSIL FREE CITY

WHEREAS, the City of Berkeley Climate Action Plan has commendable goals of 33% reduction in greenhouse gases compared to 2000 by 2020 and 80% reduction by 2050; and

WHEREAS, the December 7, 2017 report from City staff shows only a 12% reduction as of 2015, indicating that the City is well behind in achieving both its 2020 and 2050 goals; and

WHEREAS, global temperatures are rising at an accelerating rate, averaging 0.9°C above 1950 - 1981 temperatures in 2017 [according to NASA](#), and could reach the UN limit of 1.5°C as early as 2032 at the current rate of increase; and

WHEREAS, the current warming is already leading to an increase in heat waves, wildfires, floods, droughts, stronger hurricanes, extreme weather, and rising oceans, climate refugees, and

WHEREAS, the State of California has a goal to reduce greenhouse gases by 40% by 2030 but is also making insufficient progress towards achieving that goal, and

WHEREAS, this resolution is intended to substantially further both the City of Berkeley and the State goals, and

WHEREAS most of the greenhouse gases that have accumulated in the atmosphere can be attributed to the consumption of fossil fuels that companies such as Chevron, Exxon, BP, Shell, ConocoPhillips extracted, refined, transported, and sold; and

WHEREAS the processes by which Chevron, Exxon, BP, Shell, ConocoPhillips extract, refine, transport, market and/or sell fossil fuels in California generally and in Berkeley specifically create pollution that causes severe environmental harms that also constitute grave environmental injustices, and threaten catastrophic harms in Berkeley such as sea level rise, drought, and wildfires; and

WHEREAS fossil fuel companies have systematically distorted climate science, lied about climate change, and misled the public about the dangers of fossil fuels in order to impede any transition from fossil fuels to clean energy in California generally and in Berkeley specifically; and

WHEREAS, transportation of coal using open top rail cars results in significant volumes of materials escaping during transit, exposing local communities to toxic heavy metals in coal dust and particulates at levels potentially harmful to adjacent communities, workers, wildlife and nature; and

WHEREAS, investments in clean energy solutions create more jobs than fossil fuels and spur innovation and growth of the U.S. clean energy economy; and

WHEREAS, local, regional and global economies are transitioning to low-carbon energy sources, and businesses are leaders in providing renewable energy and energy efficiency; and

WHEREAS, dozens of American communities have passed resolutions addressing fossil fuel industry expansion, and hundreds of public officials, including governors, state and federal agencies, tribes, health organizations, religious leaders and other community leaders, have recognized the harms presented by fossil fuels to our environment and our communities; and

WHEREAS the Federal government is the nation's largest emitter of greenhouse gas and is currently governed by an administration committed both to fossil fuels and to climate denial; and

WHEREAS, Berkeley's first preference for meeting energy needs is energy efficiency, and the City remains committed to acquiring at a minimum all cost-effective energy efficiency available with a particular focus on achieving energy efficiency in low-income housing; and

WHEREAS, the transportation sector accounts for 56 percent of greenhouse gas emissions in the City of Berkeley, and significant reductions in emissions from transportation are essential to achieving our climate-protection goals; and

WHEREAS, electrifying car, truck, and bus fleets will bring environmental and economic benefits to local residents, including lower cost transportation options for low income households; and

NOW THEREFORE BE IT RESOLVED that the City of Berkeley will actively oppose the expansion of fossil fuel infrastructure, including but not limited to those owned and/or operated by Chevron, Exxon, BP, Shell, ConocoPhillips, the primary purpose of which is to extract, refine, transport or store fossil fuels in or through city limits or adjacent waterways, including offshore drilling and;

**NOW THEREFORE BE IT RESOLVED**, that the City of Berkeley shall commit to a goal of 100% clean, carbon-free energy and a 100% reduction in total greenhouse gas emissions, including from transportation and buildings, as soon as possible and no later than 2030.

BE IT FURTHER RESOLVED, all future government procurements of vehicles should minimize emissions and phase-out the internal combustion engine as soon as possible; and

BE IT FURTHER RESOLVED, the City of Berkeley opposes the rollback of climate policy at the federal level and affirms its ongoing commitment to the goals of the Paris Climate Agreement and the City's responsibility to meet its proportionate greenhouse gas reductions for the United States under the Paris Climate Agreement; and

BE IT FURTHER RESOLVED, the City of Berkeley will establish a goal of supplying 100 percent of electricity for City operations from renewable energy by 2022 through a combination of on-site renewable electricity generation, utility-supplied renewables, dedicated off-site renewable resources, and renewable energy credit (REC) purchases; and

BE IT FURTHER RESOLVED, the City of Berkeley will prioritize renewable resources over the purchase of RECs with the intention of reducing reliance on RECs during the transition to 100% renewable resources over time; and

BE IT FURTHER RESOLVED, the City of Berkeley will prioritize community-based development of renewable energy infrastructure and should make investments in community based organizations to build capacity to lead such development to meet 100% renewable community-wide energy needs including transportation, heating, and electricity via such infrastructure; and

BE IT FURTHER RESOLVED, the City of Berkeley will partner with labor unions, and others to develop training and retraining programs to serve workers who would be displaced by this transition or workers who would otherwise be working in the energy field so that they are well-equipped for the "renewable energy" economy; and

BE IT FURTHER RESOLVED, a renewable energy transition is an opportunity to redress historical inequities in our community and must be just. This means, in part, prioritizing the resources to train and hire people from within communities of color and women that have traditionally been underrepresented in renewable energy, energy efficiency, and the workforce needed to implement a successful renewable energy transition; and

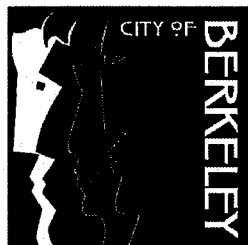
BE IT FURTHER RESOLVED, City projects and procurements under this proposal will use proven policies to ensure the jobs created are high-quality, family-wage jobs that meet our high standards of workforce inclusion for women and communities of color; and

BE IT FURTHER RESOLVED, the City of Berkeley will partner with energy providers and to accelerate the transition to renewable energy and minimize dependence on fossil fuels, expressing the City's preferences for resources consistent with its renewable energy goals and opposition to any new fossil fuel power project; and

BE IT FURTHER RESOLVED, the City of Berkeley urges utility companies to maximize energy efficiency, demand control technologies, energy storage, and renewable energy and avoid any new commitments to ownership of or long-term contracts from non-renewable sources; and

BE IT FURTHER RESOLVED, the City of Berkeley will partner with energy providers and community-based organizations to adopt policies that reduce the cost-burden for low-income customers, and make incentives available to foster equality in energy burdens as a percent of household incomes; and

BE IT FURTHER RESOLVED, the City of Berkeley urges the governor of California to adopt a 100% renewable energy goal that will continually update as new scientific findings are discovered that change our timeline and support SB 100.



RECEIVED AT  
COUNCIL MEETING OF:

JUN 12 2018

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

CONSENT CALENDAR  
June 12, 2018

Councilmember Cheryl Davila  
District 2

**To:** Honorable Mayor and Members of the City Council  
**From:** Councilmember Cheryl Davila, Mayor Jesse Arreguin and  
Councilmembers Kate Harrison and Sophie Hahn  
**Subject:** Fossil Fuel Free Berkeley

RECOMMENDATION

Refer to the Energy Commission and Transportation Commission consideration of the proposed resolution or similar action to further implementation of the Climate Action Plan and establish the goal of becoming a Fossil Fuel Free Berkeley, and further consider:

- Establishing a date by which we are committed to being a Fossil Fuel Free City.
- ~~Oppose~~ Opposing further transportation of oil, gas, and coal.
- ~~Strengthen~~ Fully implementing Berkeley Deep Green Building, raising the citywide LEED certification requirement above the current LEED Silver, and applying the same requirements to green building requirements for newly constructed city facilities, and major renovations, including the potential for Zero Net Energy and further integration of considering climate impacts in capital planning projects. Current requirements are LEED Silver, which are far below what we require for new buildings in the Downtown.
- Requiring ~~a~~ All future City government procurements of vehicles ~~should to~~ minimize emissions, and ~~set~~ establishing a goal and plan for transitioning the city's vehicle fleet to all electric vehicles
- Establishing a goal and plan for ~~of~~ transitioning to 100% renewable energy for municipal operations and a community wide goal of 100% reductions by 2030.
- Formally ~~oppose~~ opposing the recent expansion of offshore drilling by the Trump Administration.
- Calling for region-wide solutions to carbon emissions, including rapid adoption of renewable energy sources, affordable densification of cities and low-emissions public transportation infrastructure.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

ENVIRONMENTAL SUSTAINABILITY

Establishing the goal of achieving a Fossil Free City, and strengthening green building, city vehicle procurement, and renewable energy initiatives will further implementation of the Climate Action Plan.



BACKGROUND

On June 1, 2017, the 45th president and administration announced its intention to pull the United States out of the Paris Agreement, reached by 194 countries at the United Nations Conference of Parties 21 meeting in November, 2015. This action undercuts commitments the United States has made to our global partners and to United States citizens to combat climate change and reduce our GHG emissions. The 45th Administration has removed "global warming" and "climate change" content from many Federal agency websites and has proposed to cut funding for Federal research on clean energy, energy efficiency, clean fuels and clean transportation.

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CONTACT PERSONS

Councilmember Cheryl Davila 510.981.7120

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WHEREAS, the current warming is already leading to an increase in heat waves, wildfires, floods, droughts, stronger hurricanes, extreme weather, and rising oceans, climate refugees, and

WHEREAS, the State of California has a goal to reduce greenhouse gases by 40% by 2030 but is also making insufficient progress towards achieving that goal, and

WHEREAS, this resolution is intended to substantially further both the City of Berkeley and the State goals, and

WHEREAS most of the greenhouse gases that have accumulated in the atmosphere can be attributed to the consumption of fossil fuels that companies such as Chevron, Exxon, BP, Shell, ConocoPhillips extracted, refined, transported, and sold; and

WHEREAS the processes by which Chevron, Exxon, BP, Shell, ConocoPhillips extract, refine, transport, market and/or sell fossil fuels in California generally and in Berkeley specifically create pollution that causes severe environmental harms that also constitute grave environmental injustices, and threaten catastrophic harms in Berkeley such as sea level rise, drought, and wildfires; and

WHEREAS fossil fuel companies have systematically distorted climate science, lied about climate change, and misled the public about the dangers of fossil fuels in order to impede any transition from fossil fuels to clean energy in California generally and in Berkeley specifically; and

WHEREAS, transportation of coal using open top rail cars results in significant volumes of materials escaping during transit, exposing local communities to toxic heavy metals in coal dust and particulates at levels potentially harmful to adjacent communities, workers, wildlife and nature; and

WHEREAS, investments in clean energy solutions create more jobs than fossil fuels and spur innovation and growth of the U.S. clean energy economy; and

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WHEREAS, dozens of American communities have passed resolutions addressing fossil fuel industry expansion, and hundreds of public officials, including governors, state and federal agencies, tribes, health organizations, religious leaders and other community leaders, have recognized the harms presented by fossil fuels to our environment and our communities; and

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BE IT FURTHER RESOLVED, the City of Berkeley opposes the rollback of climate policy at the federal level and affirms its ongoing commitment to the goals of the Paris Climate Agreement and the City's responsibility to meet its proportionate greenhouse gas reductions for the United States under the Paris Climate Agreement; and

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BE IT FURTHER RESOLVED, a renewable energy transition is an opportunity to redress historical inequities in our community and must be just. This means, in part, prioritizing the resources to train and hire people from within communities of color and women that have traditionally been underrepresented in renewable energy, energy efficiency, and the workforce needed to implement a successful renewable energy transition; and

BE IT FURTHER RESOLVED, City projects and procurements under this proposal will use proven policies to ensure the jobs created are high-quality, family-wage jobs that meet our high standards of workforce inclusion for women and communities of color; and

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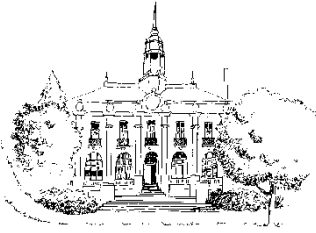
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BE IT FURTHER RESOLVED, the City of Berkeley urges the governor of California to adopt a 100% renewable energy goal that will continually update as new scientific findings are discovered that change our timeline and support SB 100.

**Kriss Worthington**

Councilmember, City of Berkeley, District 7  
 2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704  
 PHONE 510-981-7170, FAX 510-981-7177,  
 EMAIL [kworthington@cityofberkeley.info](mailto:kworthington@cityofberkeley.info)

CONSENT CALENDAR

November 27, 2018

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Kriss Worthington, Mayor Jesse Arreguin, and  
 Councilmember Sophie Hahn  
 Subject: Referral to the Transportation Commission: Explore Possibilities for Initiating Equitable  
 Exchange with Transportation Network Companies (TNCs)

RECOMMENDATION:

The City Council requests that the Transportation Commission initiate research into an effective means of equitable exchange with TNCs. In order to compensate the City of Berkeley for traffic congestion, air pollution, and infrastructure damage, the Council recommends that TNCs participate in the payment of taxes and the exchange of data.

BACKGROUND:

With their growing popularity, TNCs have provided important benefits to many members of the Berkeley community by offering efficient and convenient transportation at a low cost. These ridesharing apps have also significantly reduced the amount of DUIs across the country. While we acknowledge the benefits of these services, we must also acknowledge their issues.

In recent years, a growing number of jurisdictions have grappled with the issue of rising vehicle traffic caused by a high volume of trips made by TNCs. The presence of TNC vehicles has posed a major problem for bus drivers in particular. While dropping off and picking up passengers, TNC drivers often make illegal stops in designated bus lanes. These illegal stops prevent buses from accessing stops, thereby causing costly delays and putting bus passengers in danger by forcing them to board buses in the middle of busy roadways.

Furthermore, because they utilize gasoline-powered vehicles, TNCs increase overall levels of air pollution. The pollutants produced by these vehicles have harmful effects on Berkeley residents, with the potential to cause serious respiratory health problems.

Lastly, the high volume of trips also contributes to the gradual destruction of local transportation infrastructure. Maintaining our streets, sidewalks, and pedestrian crossings is costly, yet highly important to the public. In the interest of fairness, TNCs should compensate the City of Berkeley for impacts on this infrastructure.

As it stands, TNCs do not pay taxes to the City of Berkeley, resulting in a loss of useful revenue. Recently, cities like Chicago and San Francisco have held these companies accountable by successfully imposing taxes on them. However, the compensation provided by TNCs does not have to come only in the form of taxes. These companies also collect important data on the volume of pickups and dropoffs in specific locations. By requiring or negotiating with TNCs to share this anonymous data, the Public Works Department could better plan transportation investments. Additionally, this data would be highly useful for the placement and construction of designated TNC pickup/dropoff zones, which would benefit both the City of Berkeley and the TNCs themselves.

FISCAL IMPACTS OF RECOMMENDATION: Potential increases in revenue.

ENVIRONMENTAL SUSTAINABILITY: Consistent with Berkeley's Environmental Sustainability Goals.

CONTACT PERSON:

Councilmember Kriss Worthington  
 Jacob Levy

510-981-7170  
 626-676-9279





## Kriss Worthington

Councilmember, City of Berkeley, District 7  
 2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704  
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### CONSENT CALENDAR

July 24, 2018

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Kriss Worthington  
 Subject: Adopt a resolution creating a ballot measure which establishes a 50-cents per ride tax on Transportation Network Companies

#### RECOMMENDATION:

City Council submit to the voters of the City, at the November 6, 2018 election, the ordinance and ballot measure set forth in this item. This ordinance proposes to adopt a tax of up to 50 cents per ride on passengers of Transportation Network Company (TNCs) trips originating in the City of Berkeley, if a majority of all qualified voters voting on the ballot measure vote in favor thereof.

#### BACKGROUND:

With their growing popularity, TNCs have proved beneficial to many Berkeley community members by providing efficient and convenient transportation at a low cost. The ridesharing apps have also shown to be effective in reducing the amount of DUIs across the country. While we acknowledge the benefits of these ridesharing services, we must also look at the impact that TNCs have had. In recent years, a growing number of jurisdictions have grappled with the issue of rising vehicle traffic from trips provided by TNCs, which use the public infrastructure, including our streets. Maintaining our streets, sidewalks, and pedestrian crossings is costly, and important to the public; since the trips of TNCs contribute to traffic congestion, air pollution, and wear and tear on the public infrastructure, they should appropriately contribute to maintenance. As it stands, TNCs do not pay taxes to the City of Berkeley, resulting in the loss of useful revenue. The use of a "new technology," such as a smartphone app, to order a good or service, should not be a justification for tax evasion. It is unfair for other businesses, such as tax paying taxi services and to the public who lack public funding. Although new technologies are being implemented everyday, it is imperative that all businesses in Berkeley pay fair taxes.

Other jurisdictions have begun to impose fees and or taxes on the trips of TNCs, and the City of Berkeley should follow suit. The City of Chicago imposed 50-cent fee for all rides starting in Chicago, and generated \$39 million in 2016. We propose a 50-cent per pickup charge on all TNC trips originating within the City of Berkeley, and authorize City Council to adopt, by Ordinance, reductions in the rate, such as for "pool" (multi-user) trips, and low-income passengers.

FINANCIAL IMPLICATIONS: Minimal

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

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ATTACHMENTS:

1. Resolution

Attachment 1





RESOLUTION NO. ##,###-N.S.

ESTABLISH 50-CENTS PER RIDE TAX ON TRANSPORTATION NETWORK COMPANIES

WHEREAS, Transportation Network Companies (TNCs) have become increasingly popular in the City of Berkeley; and

WHEREAS, TNCs have provided an innovative ridesharing service that is beneficial to the community; and

WHEREAS, TNCs and their passengers do not pay taxes to the City of Berkeley; and

WHEREAS, other jurisdictions, including the City of Chicago, the States of Massachusetts, Alabama, and Nevada, impose either a trip tax or an excise tax on TNC services; and

WHEREAS, TNC use takes money away from public transportation as less residents utilize them; and

WHEREAS, a tax on TNCs would provide the City with a valuable new source of revenue, which would contribute towards keeping the City budget balanced; and

WHEREAS, the 50-cent TNC tax adopted by the City of Portland has yielded over \$8 million to help pay for city enforcement efforts, including spot inspections of cars and incentives to companies and drivers to choose wheelchair accessible cars; and

WHEREAS, TNCs contribute to pollution, traffic congestion, and the wear and tear of public infrastructure;

NOW THEREFORE, BE IT RESOLVED that a 50-cents per ride tax on TNC passengers be added as a ballot measure to the November 6th, 2018 election. ballot measure ("The Measure") establishing a 50-cents per ride tax on TNC passengers for rides originating in the City of Berkeley, shall be placed before the voters at the election on November 6th, 2018. The Measure reads as follows:

Be it ordained by the People of the City of Berkeley:

Section 1. Code Amendment. That a new Chapter 14.634.26 is added to the Berkeley Municipal Code to read as follows:

Chapter 14.634.26 TRANSPORTATION NETWORK COMPANY USER TAX

14.634.26.010. Title

This chapter shall be known as the "Transportation Network Company User Tax Ordinance".

14.634.26.020. Definitions

Except as where context otherwise requires, the definitions given in this section govern the construction of this chapter:

1. "City" means the City of Berkeley.
2. "Digital Network" means an online-enabled application software, website, or system offered, utilized, or controlled by a Transportation Network Company that enables the prearrangement of transportation services by Drivers with Passengers.
3. "Driver" means a person who receives connections to potential Passengers through a Digital Network and uses a vehicle to offer or provide Prearranged Transportation Services to those Passengers.
4. "Passenger" or "user" means a person who uses a Digital Network to connect with a Driver to request and pay for Prearranged Transportation Service.

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- 5. "Person" or "people" means any non-exempt individual, firm, partnership joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- 6. "Prearranged Transportation Service" or "Prearranged Ride" means the transportation of a Passenger or Passengers by a Driver, arranged through a Digital Network.
- 7. "Tax", "Transportation Network Company User Tax", or "TNC User Tax" means the tax imposed by this chapter.
- 8. "Finance Department Tax Administrator" means the Director of Finance of the City of Berkeley or such other person as may be designated by the City Manager.
- 9. "Transportation Network Company" or "TNC" means an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, that provides Prearranged Transportation Services for compensation using an Digital Network to connect Passengers with Drivers.

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14.634.26.030. **Imposition and Rate of Tax**

Subject to the provisions of this chapter, for each Prearranged Ride that originates in the City there is imposed a tax of 50 cents. Said tax constitutes a debt owed by the Passenger to the City, which is extinguished only by payment to the TNC at the time of payment for the Prearranged Ride.

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14.634.26.040. **Collection and Remittance of Tax by Transportation Network Company**

Every TNC engaged in business in the City shall at the time of collecting payment for a Prearranged Ride originating in the City, collect the tax from the Passenger and remit the tax to the City on a monthly basis. In all cases in which the tax is not collected by the TNC, the TNC shall be liable to the City for the amount of tax due. A TNC is engaged in business in the City if it facilitates a ride for a Passenger that originates in the City.

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14.634.26.050. **Registration of Transportation Network Company**

- 1. Every TNC must register with the Finance Department of the City within thirty (30) days of first engaging in business in the City, using a form provided by the Finance Department Tax Administrator.
- 2. Every TNC engaged in business in the City on the effective date of this chapter must register with the Finance Department of the City within thirty (30) days, using a form provided by the Finance Department Tax Administrator.
- 3. Each TNC registration shall set forth the name under which the TNC transacts or intends to transact business, the location of its primary place or places of business, and such other information to facilitate the collection of the tax as the Finance Department Tax Administrator may require. The registration shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration. The Finance Department Tax Administrator shall within thirty (30) days after such registration issue without charge a certificate of authority to each registrant to collect the tax from the passenger. Such certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the Finance Department Tax Administrator upon the cessation of business in the city or upon its sale or transfer.

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14.634-26.060 Duties of the Finance Department Tax Administrator

It shall be the duty of the Finance Department Tax Administrator to collect and receive all taxes imposed by this chapter and to keep an accurate record thereof. Said Finance Department Tax Administrator is charged with the enforcement of this chapter, except as otherwise provided herein, and may prescribe, adopt and enforce those rules and regulations necessary or advisable to effectuate the purposes of this chapter, including provisions for the re-examination and correction of declarations, returns, and payments; the exclusive discretionary authority to waive penalties; and the authority to defer the payment due dates as prescribed herein. In individual cases, the Finance Department Tax Administrator may make findings of fact in support of decisions, determinations and rulings enforcing this chapter. The Finance Department Tax Administrator may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

14.634-26.070. Determinations, Returns, and Payments

1. Due Date of Taxes. All taxes imposed by this chapter and collected by any TNC or required to be collected by any TNC are due and payable to the Finance Department Tax Administrator for each taxable month on or before the fifteenth day of the month immediately following each respective monthly period.
2. Return—Time for Filing. On or before the fifteenth day of the month immediately following each monthly period, a return for the preceding monthly period must be filed with the Finance Department Tax Administrator, in such form as the Finance Department Tax Administrator may prescribe.
3. Contents of Return. Returns must show the amount of tax collected for the related period and such other information as required by the Finance Department Tax Administrator. The Finance Department Tax Administrator may require returns to show the total Prearranged Rides originating within the City upon which tax was collected or otherwise due, the total number of Prearranged Rides originating in the City for such period, and an explanation in detail of any discrepancy between the amounts.
4. Delivery for Return and Remittance. The return shall be transmitted with the remittance of the amount of the tax due to the Finance Department Tax Administrator at the Finance Department on or before the date provided in this chapter.
5. Extension of Time for Filing a Return and Paying Tax. For good cause, the Finance Department Tax Administrator may extend, for a period not to exceed thirty (30) days, the deadline for making any return or payment of tax. When an extension is granted, any TNC that makes a return and pays the tax within the period of such extension must pay, in addition to the tax, interest on the amount thereof at the rate of one percent per month, or fraction thereof, for the period of such extension to the time of return and payment. If the tax is not paid within the extension period or periods, a penalty will be assessed as if no extension was granted, as provided in Section 14.634-26.080.

14.634-26.080. Penalties and Interest

1. Original Delinquency. Any TNC that fails to remit any tax imposed by this chapter within the time required shall pay a penalty of 25 percent of the amount of the tax in addition to the amount of the tax.
2. Fraud. If the Finance Department Tax Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of 50 percent of the amount of the tax shall be added thereto in addition to the penalties stated in subdivision 1 of this section.
3. Interest. In addition to the penalties imposed, any TNC that fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on

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the amount of the tax, inclusive of penalties, from the date on which the remittance first became delinquent until paid.

- 4. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

14.634-26.090. Deficiency Determinations

- 1. Recomputation of Tax—Authority to Make—Basis of Recomputation. If the Finance Department Tax Administrator is not satisfied with the return or returns of the tax or the amount of the tax paid to the City by a TNC, he or she may compute and determine the amount required to be paid based upon the facts contained in the return or returns or upon any information within the Finance Department Tax Administrator's possession or that may come into his or her possession. One or more deficiency determinations may be made of the amount due for one or more periods.
- 2. Interest on Deficiency. The amount of the determination, inclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the sixteenth day of the month following the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment.
- 3. Offsetting of Overpayments. In making a determination, the Finance Department Tax Administrator may offset overpayments for a period or periods against underpayments for another period or periods or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner as set forth in Section 14.634-26.080(3).
- 4. Penalty—Negligence or Disregard of Rules and Regulations. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this chapter or authorized rules or regulations, a penalty of 25 percent of the amount required to be paid by the TNC, inclusive of interest shall be added thereto.
- 5. Penalty for Fraud or Intent to Evade. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this chapter or authorized rules and regulations, a penalty of 50 percent of the amount, inclusive of the interest and penalty as provided in Section 14.634-26.080, must be paid.
- 6. Notice of Finance Department Tax Administrator's Determination—Service of. The Finance Department Tax Administrator shall give to the TNC written notice of the determination. The notice may be served personally or by mail; if by mail, service shall be made by depositing the notice in the United States mail, in a sealed envelope with postage paid, addressed to the TNC at its business address as it appears in the records of the Finance Department Tax Administrator. In case of service by mail or any notice required by this chapter, the service is complete at the time of the deposit of the notice in the United States Post Office, without extension of time for any reason.
- 7. Time Within Which Notice of Deficiency Determination Is to Be Mailed. Except in the case of fraud, intent to evade this chapter or authorized rules and regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the fifteenth day of the calendar month following the monthly period for which the deficiency determination applies or within three years after the return for the period to which the deficiency determination applies was filed, whichever period expires later.

14.634-26.100. Determinations If No Return Made

- 1. Estimate—Computation of Tax Penalty. If any TNC fails to make a return, the Finance Department Tax Administrator shall estimate the number of Prearranged Rides originating in the City subject to the tax. The estimate shall be made for the period or periods for which the TNC failed to make a return and shall be based upon any information that is in the Finance Department Tax Administrator's possession or may come into his or her possession. Upon the basis of this estimate, the Finance Department Tax Administrator shall compute and determine the amount required to be paid to the City, adding to the sum

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computed a penalty equal to 25 percent thereof. One or more determinations may be made for one or more periods.

- 2. Manner of Computation—Offsets—Interest. In making a determination, the Finance Department Tax Administrator may offset overpayments for a period or periods against underpayments for another period or periods or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner as set forth in Section 14.634.26.080(3).
- 3. Interest on Amount Determined Due. The amount of the determination, inclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the sixteenth day of the month following the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.
- 4. Penalty for Fraud or Intent to Evade. If the failure of any TNC to file a return is due to fraud or an intent to evade this chapter or rules and regulations, a penalty of 50 percent of the amount, inclusive of the interest and penalty as provided in Section 14.634.26.080, must be paid.
- 5. Giving Notice—Manner of Service. After making the determination, the Finance Department Tax Administrator shall give the TNC written notice of the estimate, determination, penalty, and interest. The notice shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.
- 6. Time to Make a Determination. The Finance Department Tax Administrator may make a determination in accordance with this Section at any time within five years of a return being due.

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14.634.26.110. Appeal of Finance Department Tax Administrator's Determination

- 1. Petition for Redetermination. Any TNC against whom a determination is made under this chapter may petition the Finance Department Tax Administrator for a redetermination within thirty (30) days after service upon the TNC of notice thereof. If a petition for redetermination is not filed in writing with the Finance Department Tax Administrator, City Hall, Berkeley, California 94704612, within the 30-day period, the determination becomes final at the expiration of the period.
- 2. Consideration of Petition—Hearing. If a petition for redetermination is filed within the 30-day period, the Finance Department Tax Administrator shall reconsider the determination and, if the TNC has so requested in its petition, shall grant the TNC an oral hearing, and shall give the TNC at least ten days notice of the time and place of hearing. The Finance Department Tax Administrator may designate one or more deputies for the purpose of conducting hearings and may continue a hearing from time to time as may be necessary.
- 3. Determination of Petition. The Finance Department Tax Administrator may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the Finance Department Tax Administrator at or before the hearing.
- 4. Finality of Determination. The order or decision of the Finance Department Tax Administrator upon a petition for redetermination becomes final thirty (30) days after service of notice thereof upon the petitioner. There is no appeal of the Finance Department Tax Administrator's decision (or his or her deputies designated for a redetermination) to the City Council; writs challenging the Finance Department Tax Administrator's decision must be filed with the appropriate court within ninety(90) days of the final date of such redetermination. (California Code of Civil Procedure § 1094.6.)
- 5. Tax a Debt. The amount of any tax, penalty, and interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any TNC owing money to the City under

the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

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14.634.26.120. Records

It shall be the duty of every TNC engaged in business in the City to keep and preserve, for a period of four years, all records as may be necessary to determine the amount of tax it may have been liable for the collection of and payment to the City, which records the Finance Department Tax Administrator shall have the right to inspect upon issuance of a subpoena therefore pursuant to Berkeley Municipal Code Section 5.34.050.

14.634.26.130. Refunds

A passenger may claim a refund of any amount overpaid, or erroneously or illegally collected or received by the City by filing a written claim therefor with the Finance Department Tax Administrator within one year of the date of payment. The claim shall be on forms furnished by the Finance Department Tax Administrator, and must state under penalty of perjury the specific grounds upon which the claim is founded. No refund shall be paid unless the claimant establishes to the satisfaction of the Finance Department Tax Administrator his or her right thereto by written records showing entitlement thereto.

14.634.26.140. Violations

Any TNC which fails or refuses to register as required herein, or to furnish any return required to be made or which fails or refuses to furnish any other data required by the Finance Department Tax Administrator, or which renders a false or fraudulent return or claim, or which fails to meet the substantive requirements of any other provision of this chapter may be charged with a civil penalty or an infraction.

Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. California Environmental Quality Act Requirements. This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., including without limitation Public Resources Code section 21065, CEQA Guidelines 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

Section 4. General Tax; Majority Approval; Effective Date. This Ordinance enacts a general tax for unrestricted general revenue purposes. Tax revenue collected pursuant to the Ordinance may be used by the City for any municipal governmental purpose. The Ordinance shall be effective only if approved by a majority of the voters voting thereon and after the vote is declared by the City Council. The effective date of this Ordinance shall be January 1, 2019.

Section 5. Council Amendments. The City Council of the City of Berkeley is hereby authorized to amend Chapter 14.634.26 of the Berkeley Municipal Code as adopted by this Ordinance in any manner that does not increase the rate of the Transportation Network Company User Tax, or otherwise constitute a tax increase for which voter approval is required by Article XIII C of the

California Constitution, including but not limited to, authority to enact temporary or permanent reduced or varying tax rates for Passengers using pools or other shared ride services.

**BE IT FURTHER RESOLVED** that the City Council, pursuant to California Elections Code sections 13247 and 10403, hereby orders that the abbreviated form of the Measure as it shall appear on the ballot is as follows:

<b>CITY OF BERKELEY Transportation Network Company Tax GENERAL OBLIGATION BOND MEASURE</b>	
Shall Councilmember Worthington's measure to enact a 50 cent per pick-up tax on the trips of Transportation Network Companies for rides driven by Berkeley residents and originating in Berkeley, be adopted?	YES
<b>FINAL QUESTION SUBJECT TO CITY ATTORNEY APPROVAL</b>	NO

**BE IT FURTHER RESOLVED** that, pursuant to the California Elections Code sections 1405, 9222, and 12001, the City Council hereby calls an election to be consolidated with the City municipal election and Statewide general election to be held on November 6, 2018, for the purpose of submitting the Measure to a vote of the qualified voters of the City, and hereby requests the Board of Supervisors of the County of Alameda (the "County") to consolidate this election with the November 6, 2018, Statewide general election to be held on that date, in the manner and schedule established by Resolution No. 68,407-N.S., adopted on May 1, 2018.

**BE IT FURTHER RESOLVED** that ballots for the election shall be provided in the form and in the number provided by law. Voters shall be provided an opportunity to vote for or against the Measure on the ballot, in accordance with procedures to be adopted by the authorized officers of the County.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause the posting, publication, and printing of notices, pursuant to the requirements of the Charter of the City, and the Government Code and Elections Code of the State of California, and to file a certified copy of this Resolution, including all appendices, no later than the close of business on August 10, 2018, with the County Registrar of Voters and the Clerk of the County Board of Supervisors.

**BE IT FURTHER RESOLVED** that the filing of ballot arguments shall conform to the manner and schedule established by Resolution No. ~~##,### N.S.~~ 68,408 N.S., adopted on May 1, 2018.

**BE IT FURTHER RESOLVED** that the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney, who shall prepare an impartial analysis of the Page 7 of 13 Page 5 Measure showing the effect of the Measure on the existing law and the operation of the Measure.

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The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect from and after the date of its passage and adoption.

**BE IT FURTHER RESOLVED** that the City Clerk shall certify to the passage and adoption thereof.

The foregoing Resolution was adopted by the Berkeley City Council on July 24, 2018 by the following vote

Ayes

Noes

Absent

Attest

\_\_\_\_\_  
Mark Numainville, City Clerk

\_\_\_\_\_  
Jesse Arreguin, Mayor

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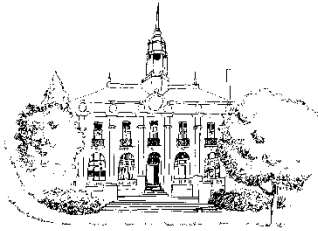
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## Kriss Worthington

Councilmember, City of Berkeley, District 7  
2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704  
PHONE 510-981-7170, FAX 510-981-7177,  
EMAIL [kworthington@cityofberkeley.info](mailto:kworthington@cityofberkeley.info)

### ACTION CALENDAR

July 31, 2018

*(Continued from July 24, 2018)*

To: Honorable Mayor and Members of the City Council  
From: Councilmember Kriss Worthington  
Subject: Resolution creating a ballot measure which establishes a 50-cents per ride tax on Transportation Network Companies

#### RECOMMENDATION:

City Council submit to the voters of the City, at the November 6, 2018 election, the ordinance and ballot measure set forth in this item. This ordinance proposes to adopt a tax of up to 50 cents per ride on passengers of Transportation Network Company (TNCs) trips originating in the City of Berkeley, if a majority of all qualified voters voting on the ballot measure vote in favor thereof.

#### BACKGROUND:

With their growing popularity, TNCs have proved beneficial to many Berkeley community members by providing efficient and convenient transportation at a low cost. The ridesharing apps have also shown to be effective in reducing the amount of DUIs across the country. While we acknowledge the benefits of these ridesharing services, we must also look at the impact that TNCs have had. In recent years, a growing number of jurisdictions have grappled with the issue of rising vehicle traffic from trips provided by TNCs, which use the public infrastructure, including our streets. Maintaining our streets, sidewalks, and pedestrian crossings is costly, and important to the public; since the trips of TNCs contribute to traffic congestion, air pollution, and wear and tear on the public infrastructure, they should appropriately contribute to maintenance. As it stands, TNCs do not pay taxes to the City of Berkeley, resulting in the loss of useful revenue. The use of a "new technology," such as a smartphone app, to order a good or service, should not be a justification for tax evasion. It is unfair for other businesses, such as tax paying taxi services and to the public who lack public funding. Although new technologies are being implemented everyday, it is imperative that all businesses in Berkeley pay fair taxes. Other jurisdictions have begun to impose fees and or taxes on the trips of TNCs, and the City of Berkeley should follow suit. The City of Chicago imposed 50-cent fee for all rides starting in Chicago, and generated \$39 million in 2016. We propose a 50-cent per pickup charge on all TNC trips originating within the City of Berkeley, and authorize City Council to adopt, by Ordinance, reductions in the rate, such as for "pool" (multi-user) trips, and low-income passengers.

#### FINANCIAL IMPLICATIONS: Minimal

#### ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170  
Cooper Price, Intern, [cooperprice3@gmail.com](mailto:cooperprice3@gmail.com)  
Shaheer Sandhu, Intern, [shaheersandhu17@gmail.com](mailto:shaheersandhu17@gmail.com)

ATTACHMENTS:

1. Resolution

Attachment 1

RESOLUTION NO. ##,###-N.S.

ESTABLISH 50-CENTS PER RIDE TAX ON TRANSPORTATION NETWORK  
COMPANIES

**WHEREAS**, Transportation Network Companies (TNCs) have become increasingly popular in the City of Berkeley; and

**WHEREAS**, TNCs have provided an innovative ridesharing service that is beneficial to the community; and

**WHEREAS**, TNCs and their passengers do not pay taxes to the City of Berkeley; and

**WHEREAS**, other jurisdictions, including the City of Chicago, the States of Massachusetts, Alabama, and Nevada, impose either a trip tax or an excise tax on TNC services; and

WHEREAS, TNC use takes money away from public transportation as less residents utilize them; and

**WHEREAS**, a tax on TNCs would provide the City with a valuable new source of revenue, which would contribute towards keeping the City budget balanced; and

**WHEREAS**, the 50-cent TNC tax adopted by the City of Portland has yielded over \$8 million to help pay for city enforcement efforts, including spot inspections of cars and incentives to companies and drivers to choose wheelchair accessible cars; and

**WHEREAS**, TNCs contribute to pollution, traffic congestion, and the wear and tear of public infrastructure;

**NOW THEREFORE, BE IT RESOLVED** that a ballot measure ("The Measure") establishing a 50-cents per ride tax on TNC passengers for rides originating in the City of Berkeley, shall be placed before the voters at the election on November 6th, 2018. The Measure reads as follows:

Be it ordained by the People of the City of Berkeley:

Section 1. Code Amendment. That a new Chapter 14.63 is added to the Berkeley Municipal Code to read as follows:

## Chapter 14.63 TRANSPORTATION NETWORK COMPANY USER TAX

### 14.63.010. Title

This chapter shall be known as the "Transportation Network Company User Tax Ordinance".

### 14.63.020. Definitions

Except as where context otherwise requires, the definitions given in this section govern the construction of this chapter:

1. "City" means the City of Berkeley.
2. "Digital Network" means an online-enabled application software, website, or system offered, utilized, or controlled by a Transportation Network Company that enables the prearrangement of transportation services by Drivers with Passengers.
3. "Driver" means a person who receives connections to potential Passengers through a Digital Network and uses a vehicle to offer or provide Prearranged Transportation Services to those Passengers.
4. "Passenger" or "user" means a person who uses a Digital Network to connect with a Driver to request and pay for Prearranged Transportation Service.
5. "Person" or "people" means any non-exempt individual, firm, partnership joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
6. "Prearranged Transportation Service" or "Prearranged Ride" means the transportation of a Passenger or Passengers by a Driver, arranged through a Digital Network.
7. "Tax", "Transportation Network Company User Tax", or "TNC User Tax" means the tax imposed by this chapter.
8. "Finance Department" means the Director of Finance of the City of Berkeley or such other person as may be designated by the City Manager.
9. "Transportation Network Company" or "TNC" means an organization, including, but not limited to, a corporation, limited liability company, partnership, sole proprietor, or any other entity, that provides Prearranged Transportation Services for compensation using an Digital Network to connect Passengers with Drivers.

### 14.63.030. **Imposition and Rate of Tax**

Subject to the provisions of this chapter, for each Prearranged Ride that originates in the City there is imposed a tax of 50 cents. Said tax constitutes a debt owed by the Passenger to the City, which is extinguished only by payment to the TNC at the time of payment for the Prearranged Ride.

### 14.63.040. **Collection and Remittance of Tax by Transportation Network Company**

Every TNC engaged in business in the City shall at the time of collecting payment for a Prearranged Ride originating in the City, collect the tax from the Passenger and remit the tax to the City on a monthly basis. In all cases in which the tax is not collected by the TNC, the TNC shall be liable to the City for the amount of tax due.

A TNC is engaged in business in the City if it facilitates a ride for a Passenger that originates in the City.

**14.63.050. Registration of Transportation Network Company**

1. Every TNC must register with the Finance Department of the City within thirty (30) days of first engaging in business in the City, using a form provided by the Finance Department.
2. Every TNC engaged in business in the City on the effective date of this chapter must register with the Finance Department of the City within thirty (30) days, using a form provided by the Finance Department.
3. Each TNC registration shall set forth the name under which the TNC transacts or intends to transact business, the location of its primary place or places of business, and such other information to facilitate the collection of the tax as the Finance Department may require. The registration shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration. The Finance Department shall within thirty (30) days after such registration issue without charge a certificate of authority to each registrant to collect the tax from the passenger. Such certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the Finance Department upon the cessation of business in the city or upon its sale or transfer.

**14.63.060 Duties of the Finance Department**

It shall be the duty of the Finance Department to collect and receive all taxes imposed by this chapter and to keep an accurate record thereof. Said Finance Department is charged with the enforcement of this chapter, except as otherwise provided herein, and may prescribe, adopt and enforce those rules and regulations necessary or advisable to effectuate the purposes of this chapter, including provisions for the re-examination and correction of declarations, returns, and payments; the exclusive discretionary authority to waive penalties; and the authority to defer the payment due dates as prescribed herein. In individual cases, the Finance Department may make findings of fact in support of decisions, determinations and rulings enforcing this chapter. The Finance Department may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

**14.63.070. Determinations, Returns, and Payments**

1. Due Date of Taxes. All taxes imposed by this chapter and collected by any TNC or required to be collected by any TNC are due and payable to the Finance Department for each taxable month on or before the fifteenth day of the month immediately following each respective monthly period.

2. Return—Time for Filing. On or before the fifteenth day of the month immediately following each monthly period, a return for the preceding monthly period must be filed with the Finance Department, in such form as the Finance Department may prescribe.
3. Contents of Return. Returns must show the amount of tax collected for the related period and such other information as required by the Finance Department. The Finance Department may require returns to show the total Prearranged Rides originating within the City upon which tax was collected or otherwise due, the total number of Prearranged Rides originating in the City for such period, and an explanation in detail of any discrepancy between the amounts.
4. Delivery for Return and Remittance. The return shall be transmitted with the remittance of the amount of the tax due to the Finance Department at the Finance Department on or before the date provided in this chapter.
5. Extension of Time for Filing a Return and Paying Tax. For good cause, the Finance Department may extend, for a period not to exceed thirty (30) days, the deadline for making any return or payment of tax. When an extension is granted, any TNC that makes a return and pays the tax within the period of such extension must pay, in addition to the tax, interest on the amount thereof at the rate of one percent per month, or fraction thereof, for the period of such extension to the time of return and payment. If the tax is not paid within the extension period or periods, a penalty will be assessed as if no extension was granted, as provided in Section 14.63.080.

#### 14.63.080. Penalties and Interest

1. Original Delinquency. Any TNC that fails to remit any tax imposed by this chapter within the time required shall pay a penalty of 25 percent of the amount of the tax in addition to the amount of the tax.
2. Fraud. If the Finance Department determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of 50 percent of the amount of the tax shall be added thereto in addition to the penalties stated in subdivision 1 of this section.
3. Interest. In addition to the penalties imposed, any TNC that fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, inclusive of penalties, from the date on which the remittance first became delinquent until paid.
4. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

#### 14.63.090. Deficiency Determinations

1. Recomputation of Tax—Authority to Make—Basis of Recomputation. If the Finance Department is not satisfied with the return or returns of the tax or the amount of the tax paid to the City by a TNC, he or she may compute and determine the amount required to be paid based upon the facts contained in the return or returns or upon any information within the Finance Department's possession or that may come into his or her possession. One or more deficiency determinations may be made of the amount due for one or more periods.
2. Interest on Deficiency. The amount of the determination, inclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the sixteenth day of the month following the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment.

3. Offsetting of Overpayments. In making a determination, the Finance Department may offset overpayments for a period or periods against underpayments for another period or periods or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner as set forth in Section 14.63.080(3).
4. Penalty—Negligence or Disregard of Rules and Regulations. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this chapter or authorized rules or regulations, a penalty of 25 percent of the amount required to be paid by the TNC, inclusive of interest shall be added thereto.
5. Penalty for Fraud or Intent to Evade. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this chapter or authorized rules and regulations, a penalty of 50 percent of the amount, inclusive of the interest and penalty as provided in Section 14.63.080, must be paid.
6. Notice of Finance Department's Determination—Service of. The Finance Department shall give to the TNC written notice of the determination. The notice may be served personally or by mail; if by mail, service shall be made by depositing the notice in the United States mail, in a sealed envelope with postage paid, addressed to the TNC at its business address as it appears in the records of the Finance Department. In case of service by mail or any notice required by this chapter, the service is complete at the time of the deposit of the notice in the United States Post Office, without extension of time for any reason.
7. Time Within Which Notice of Deficiency Determination Is to Be Mailed. Except in the case of fraud, intent to evade this chapter or authorized rules and regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the fifteenth day of the calendar month following the monthly period for which the deficiency determination applies or within three years after the return for the period to which the deficiency determination applies was filed, whichever period expires later.

#### 14.63.100. Determinations If No Return Made

1. Estimate—Computation of Tax Penalty. If any TNC fails to make a return, the Finance Department shall estimate the number of Prearranged Rides originating in the City subject to the tax. The estimate shall be made for the period or periods for which the TNC failed to make a return and shall be based upon any information that is in the Finance Department's possession or may come into his or her possession. Upon the basis of this estimate, the Finance Department shall compute and determine the amount required to be paid to the City, adding to the sum computed a penalty equal to 25 percent thereof. One or more determinations may be made for one or more periods.
2. Manner of Computation—Offsets—Interest. In making a determination, the Finance Department may offset overpayments for a period or periods against underpayments for another period or periods or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner as set forth in Section 14.63.080(3).
3. Interest on Amount Determined Due. The amount of the determination, inclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the sixteenth day of the month following the close of the monthly

period for which the amount or any portion thereof should have been returned until the date of payment.

4. Penalty for Fraud or Intent to Evade. If the failure of any TNC to file a return is due to fraud or an intent to evade this chapter or rules and regulations, a penalty of 50 percent of the amount, inclusive of the interest and penalty as provided in Section 14.63.080, must be paid.
5. Giving Notice—Manner of Service. After making the determination, the Finance Department shall give the TNC written notice of the estimate, determination, penalty, and interest. The notice shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.
6. Time to Make a Determination. The Finance Department may make a determination in accordance with this Section at any time within five years of a return being due.

#### 14.63.110. Appeal of Finance Department's Determination

1. Petition for Redetermination. Any TNC against whom a determination is made under this chapter may petition the Finance Department for a redetermination within thirty (30) days after service upon the TNC of notice thereof. If a petition for redetermination is not filed in writing with the Finance Department, City Hall, Berkeley, California 94704612, within the 30-day period, the determination becomes final at the expiration of the period.
2. Consideration of Petition—Hearing. If a petition for redetermination is filed within the 30-day period, the Finance Department shall reconsider the determination and, if the TNC has so requested in its petition, shall grant the TNC an oral hearing, and shall give the TNC at least ten days notice of the time and place of hearing. The Finance Department may designate one or more deputies for the purpose of conducting hearings and may continue a hearing from time to time as may be necessary.
3. Determination of Petition. The Finance Department may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the Finance Department at or before the hearing.
4. Finality of Determination. The order or decision of the Finance Department upon a petition for redetermination becomes final thirty (30) days after service of notice thereof upon the petitioner. There is no appeal of the Finance Department's decision (or his or her deputies designated for a redetermination) to the City Council; writs challenging the Finance Department's decision must be filed with the appropriate court within ninety(90) days of the final date of such redetermination. (California Code of Civil Procedure § 1094.6.)
5. Tax a Debt. The amount of any tax, penalty, and interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any TNC owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount.

#### 14.63.120. Records

It shall be the duty of every TNC engaged in business in the City to keep and preserve, for a period of four years, all records as may be necessary to determine the amount of tax it may have been liable for the collection of and payment to the City, which records the Finance Department shall have the right to inspect upon issuance of a subpoena therefore pursuant to Berkeley Municipal Code Section 5.34.050.

#### 14.63.130. Refunds

A passenger may claim a refund of any amount overpaid, or erroneously or illegally collected or received by the City by filing a written claim therefor with the Finance Department within one year of the date of payment. The claim shall be on forms furnished by the Finance Department, and must state under penalty of perjury the specific grounds upon which the claim is founded. No refund shall be paid unless the claimant establishes to the satisfaction of the Finance Department his or her right thereto by written records showing entitlement thereto.

#### 14.63.140. **Violations**

Any TNC which fails or refuses to register as required herein, or to furnish any return required to be made or which fails or refuses to furnish any other data required by the Finance Department, or which renders a false or fraudulent return or claim, or which fails to meet the substantive requirements of any other provision of this chapter may be charged with a civil penalty or an infraction.

**Section 2. Severability.** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**Section 3. California Environmental Quality Act Requirements.** This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., including without limitation Public Resources Code section 21065, CEQA Guidelines 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment.

**Section 4. General Tax; Majority Approval; Effective Date.** This Ordinance enacts a general tax for unrestricted general revenue purposes. Tax revenue collected pursuant to the Ordinance may be used by the City for any municipal governmental purpose. The Ordinance shall be effective only if approved by a majority of the voters voting thereon and after the vote is declared by the City Council. The effective date of this Ordinance shall be January 1, 2019.

Section 5. Council Amendments. The City Council of the City of Berkeley is hereby authorized to amend Chapter 14.63 of the Berkeley Municipal Code as adopted by this Ordinance in any manner that does not increase the rate of the Transportation Network Company User Tax, or otherwise constitute a tax increase for which voter approval is



required by Article XIII C of the California Constitution, including but not limited to, authority to enact temporary or permanent reduced or varying tax rates for Passengers using pools or other shared ride services.

**BE IT FURTHER RESOLVED** that the City Council, pursuant to California Elections Code sections 13247 and 10403, hereby orders that the abbreviated form of the Measure as it shall appear on the ballot is as follows:

<b>CITY OF BERKELEY Transportation Network Tax</b>	
Shall Councilmember Worthington’s measure to enact a 50 cent per pick-up tax on the trips of Transportation Network Companies for rides originating in Berkeley, be adopted?  <b><u>[FINAL QUESTION SUBJECT TO CITY ATTORNEY APPROVAL]</u></b>	YES
	NO

**BE IT FURTHER RESOLVED** that, pursuant to the California Elections Code sections 1405, 9222, and 12001, the City Council hereby calls an election to be consolidated with the City municipal election and Statewide general election to be held on November 6, 2018, for the purpose of submitting the Measure to a vote of the qualified voters of the City, and hereby requests the Board of Supervisors of the County of Alameda (the “County”) to consolidate this election with the November 6, 2018, Statewide general election to be held on that date, in the manner and schedule established by Resolution No. 68,407-N.S., adopted on May 1, 2018.

**BE IT FURTHER RESOLVED** that ballots for the election shall be provided in the form and in the number provided by law. Voters shall be provided an opportunity to vote for or against the Measure on the ballot, in accordance with procedures to be adopted by the authorized officers of the County.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to cause the posting, publication, and printing of notices, pursuant to the requirements of the Charter of the City, and the Government Code and Elections Code of the State of California, and to file a certified copy of this Resolution, including all appendices, no later than the close of business on August 10, 2018, with the County Registrar of Voters and the Clerk of the County Board of Supervisors.

**BE IT FURTHER RESOLVED** that the filing of ballot arguments shall conform to the manner and schedule established by Resolution No. ##,###-N.S., adopted on May 1, 2018.

**BE IT FURTHER RESOLVED** that the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney, who shall prepare an impartial analysis of the Page 7 of 13 Page 5 Measure showing the effect of the Measure on the existing law and the operation of the Measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect from and after the date of its passage and adoption.

**BE IT FURTHER RESOLVED** that the City Clerk shall certify to the passage and adoption thereof. The foregoing Resolution was adopted by the Berkeley City Council on July 24, 2018 by the following vote

Ayes

Noes

Absent

\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest \_\_\_\_\_  
Mark Numainville, City Clerk



SAFE. COMFORTABLE. ENJOYABLE. ACCESSIBLE.

# CITY OF BERKELEY PEDESTRIAN MASTER PLAN

JANUARY 17, 2019

Farid Javandel, Manager  
Transportation Division

Beth Thomas, Principal Planner  
Transportation Division



# Agenda

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Plan Overview

Vision & Goals

Public Engagement

High Injury Corridors

Next Steps

Questions & Comments

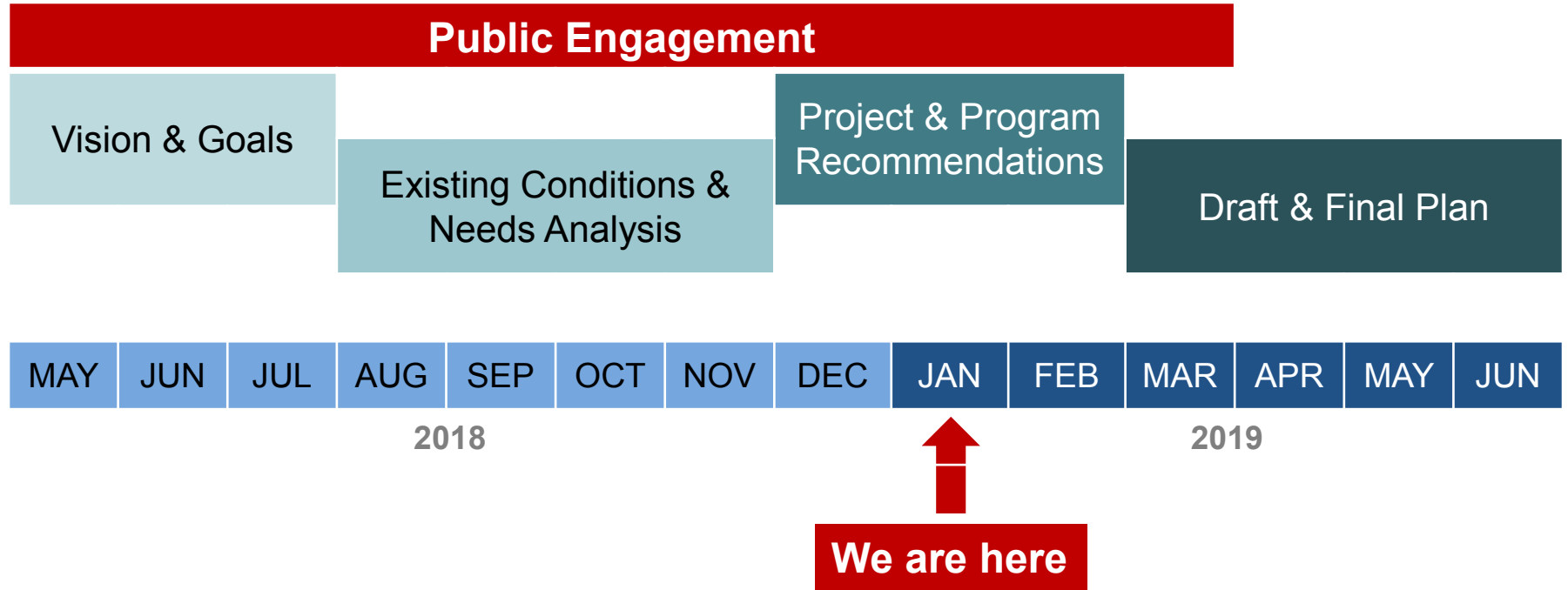
# Plan Overview

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- » 5-year update required for grant eligibility
- » Safety-focused, consistent with *Vision Zero* Policy
- » Data-driven
- » Inclusive process
- » Will include prioritized project list



# Project Schedule

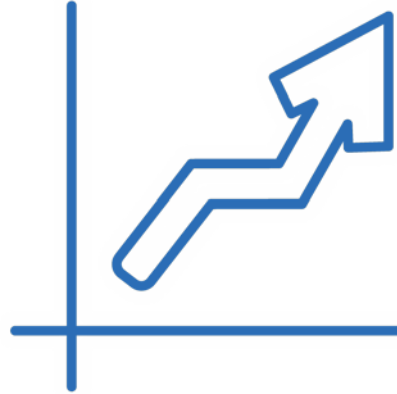


# Proposed Vision

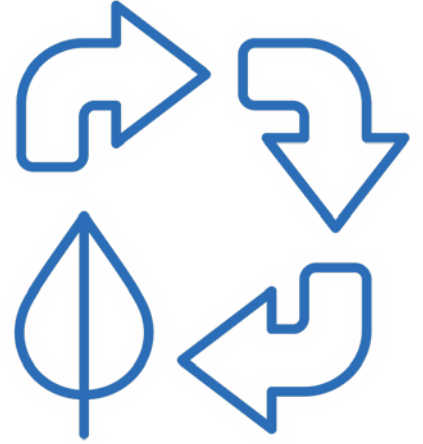
*Berkeley is a model **walkable city** where traveling on foot or with an assistive device is **safe, comfortable, and convenient** for people of all **ages and abilities***



**Safety &  
Comfort**



**Equity &  
Choices**



**Public Health &  
Environment**



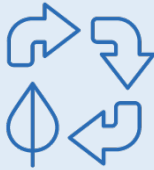
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## **Proposed Goal Areas**

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# Goals & Performance Measures

Goals	Performance Measures
	Reduce pedestrian fatalities and severe injuries to 0 by 2028
	Achieve equity and extend transportation choices to all
	Improve public health and the environment
	Implement safety treatments on all high-injury corridors by 2028
	Reduce speeding on high-injury corridors
	Make XX% of pedestrian-related investments over next 10 years in Berkeley's traditionally underserved communities
	Maintain Berkeley's status as #1 in the state for walking commute rate



# Overview of Activities

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## In-Person

Community events

Open houses

Transportation Commission

Pedestrian Subcommittee



## Online

Project website

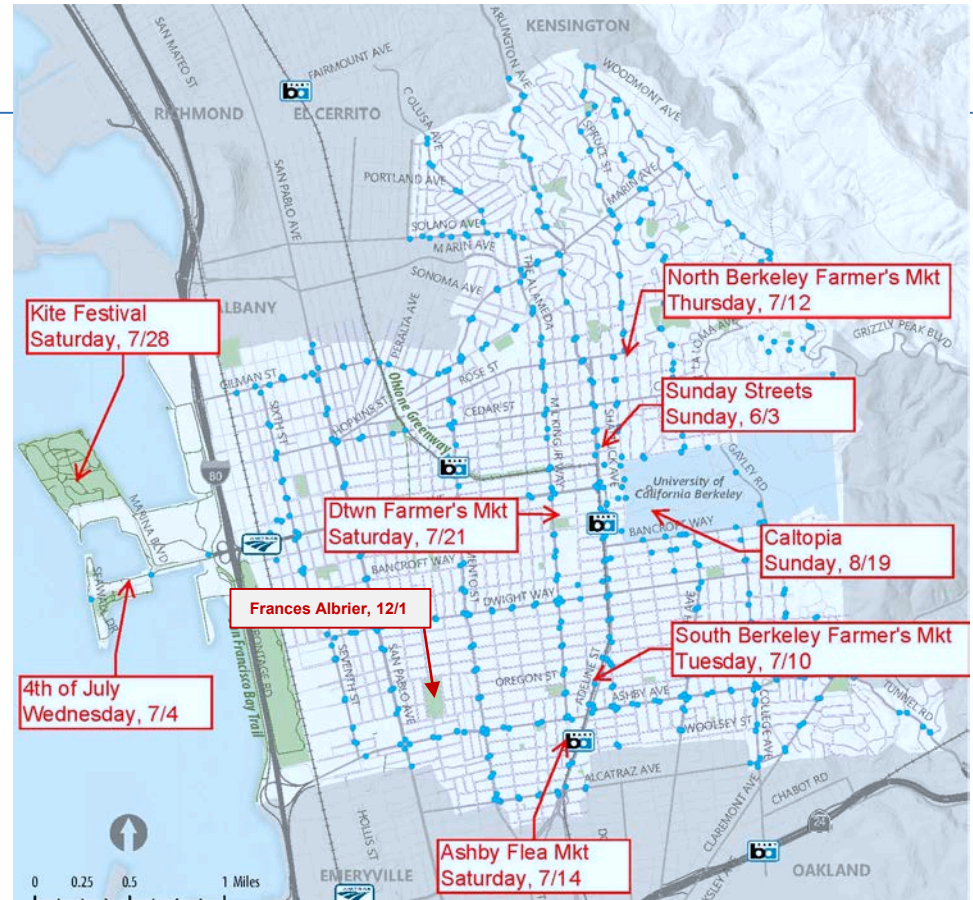
Interactive Map

Public Survey



# In-Person Events

- » Sunday Streets, 6/3
- » Fourth of July, 7/4
- » South Farmer's Market, 7/10
- » North Farmer's Market, 7/12
- » Ashby Flea Market, 7/14
- » Dtown Farmer's Market, 7/21
- » Kite Festival, 7/28
- » Caltopia, 8/19
- » Open House at Frances Albrier Community Center, 12/1



# In-Person Events

## Level of Engagement

- 8 events / 44 hours gathering input
- ~20 comments per hour / ~880 unique comments

## What we Heard

- Focus on crossings and sidewalk quality
- Interest in pedestrianized areas and more amenities
- Streets mentioned most: Shattuck, Martin Luther King, University, Ashby, San Pablo, Sacramento, Center, Dwight, Marin, Telegraph, Virginia, Adeline, Haste, Oxford

MLK & Addison uncontrolled xing  
-add lights!

Acton & Carleton (or so) - what will happen here?

Hearst - bike lane/parked cars create visibility issues

• issues for all modes, driver education needed  
• construction impacts on Shattuck  
• works for improvement and during constr.

Bike bluds are uncontrolled - how do you cross?

Design for expected signal change

Crossing MLK (near Virginia) is challenging

Russell & Shattuck - no breaks to cross

Red paths in hills getting overgrown, moss slide when it rains  
↳ S of Marin Ave

FIGURE 1: CITY OF BERKELEY PEDESTRIAN BASE MAP



# Project Website Interactive Map

Use our interactive wikimap to show us where and why you walk in Berkeley.



- DRAW** your ideas by clicking "ADD POINT" or "ADD ROUTE" in the menu bar below.
- DESCRIBE** the POINT or ROUTE by answering a few questions.
- CLICK** on a POINT or ROUTE to "Agree/Disagree" with other users' suggestions or to **ADD PHOTOS** to existing points.

for detailed instructions, or to report a problem, see "About & Help" below

**USER INPUT**

- Routes I Like to Walk
- Routes that make me Uncomfortable or need improvement
- Great Street or Path

- Barriers
- Destinations

**BASEMAP**

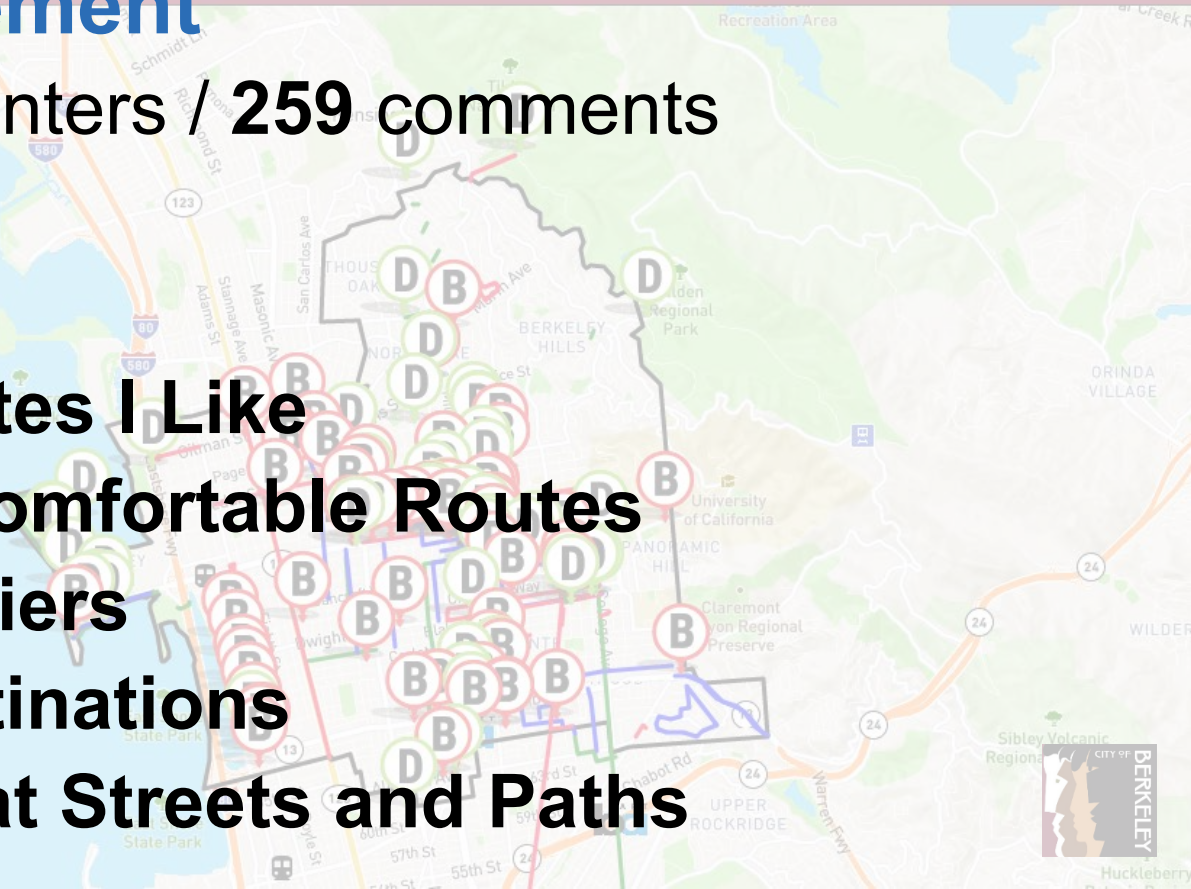
- BART Station
- Amtrak Station
- Bus Stop\*

# Level of Engagement

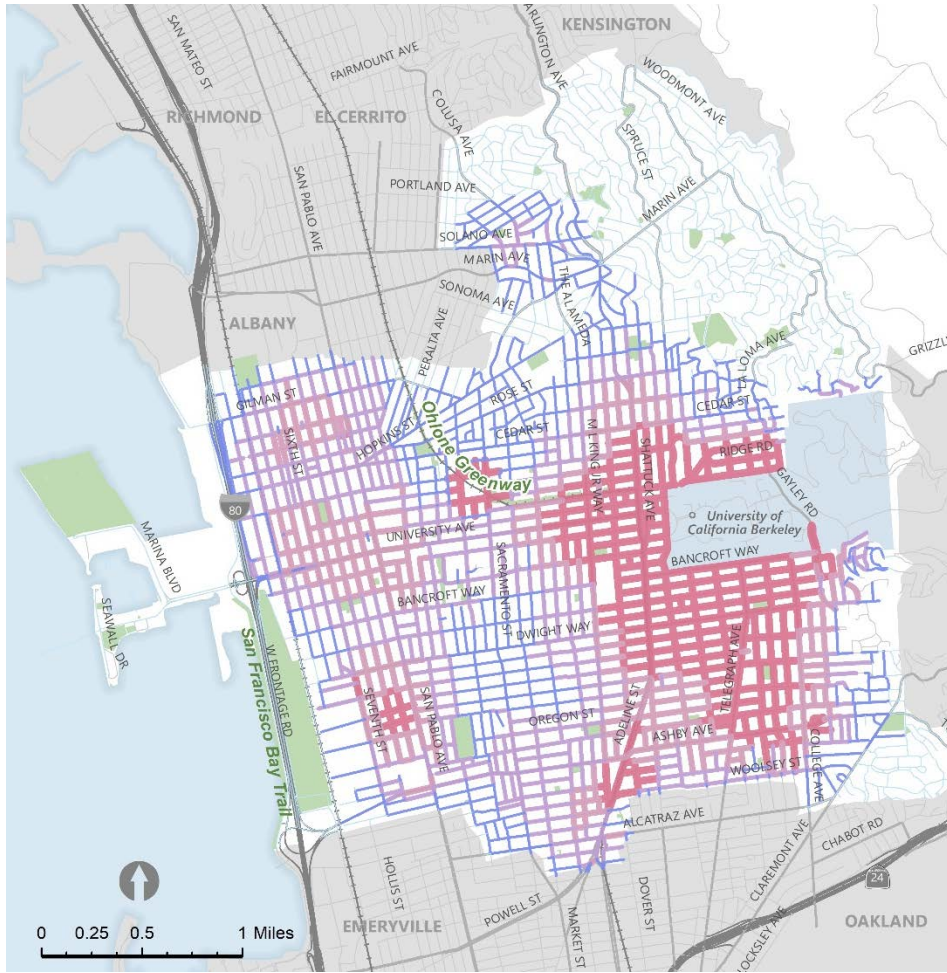
• 50 unique commenters / 259 comments

# What we Heard

- 32 marks for **Routes I Like**
- 48 marks for **Uncomfortable Routes**
- 86 marks for **Barriers**
- 69 marks for **Destinations**
- 24 marks for **Great Streets and Paths**



# Estimated Pedestrian Demand



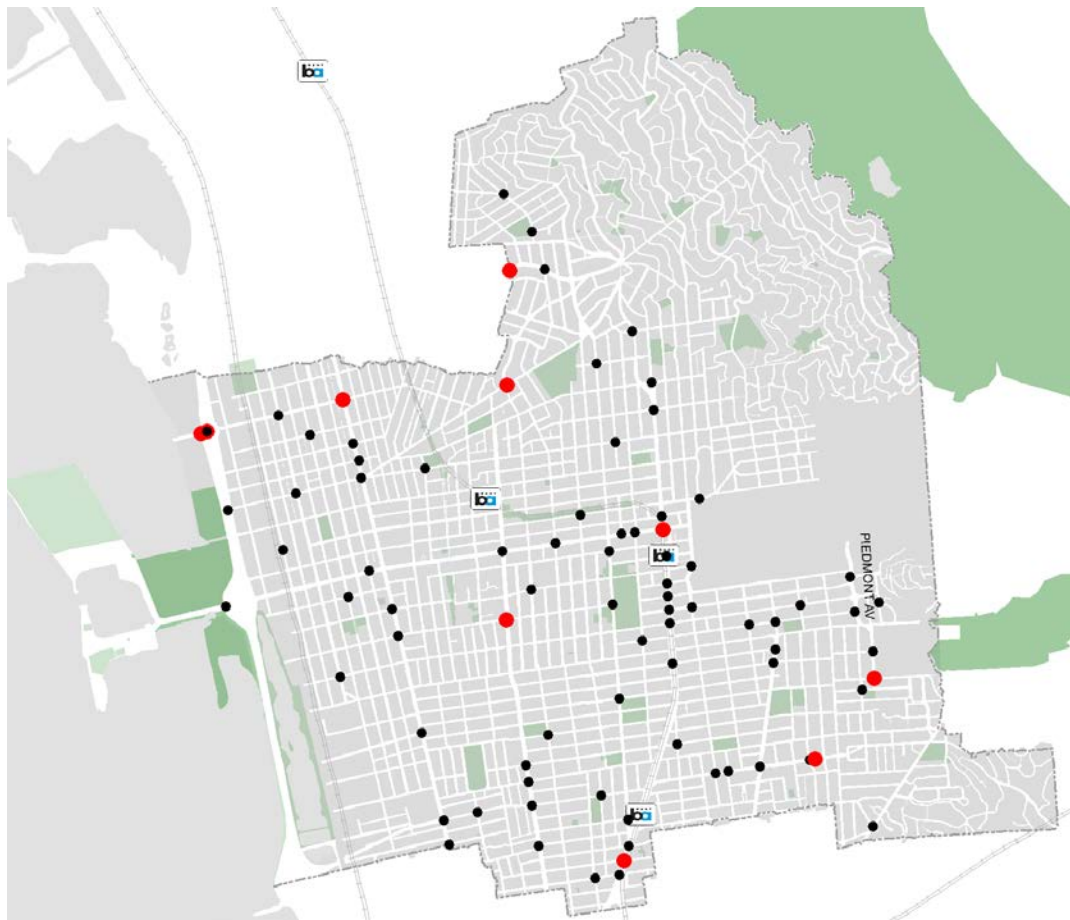
- » Destination-choice model uses data from City of Berkeley, Alameda County, and Census
- » Areas of highest demand are:
  - Downtown Berkeley BART
  - UC Berkeley campus
  - Commercial corridors and employment centers

## Estimated Weekly Pedestrian Volumes



# Focus on Severity – Consistent with *Vision Zero* Policy

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# Pedestrian High Injury Corridors

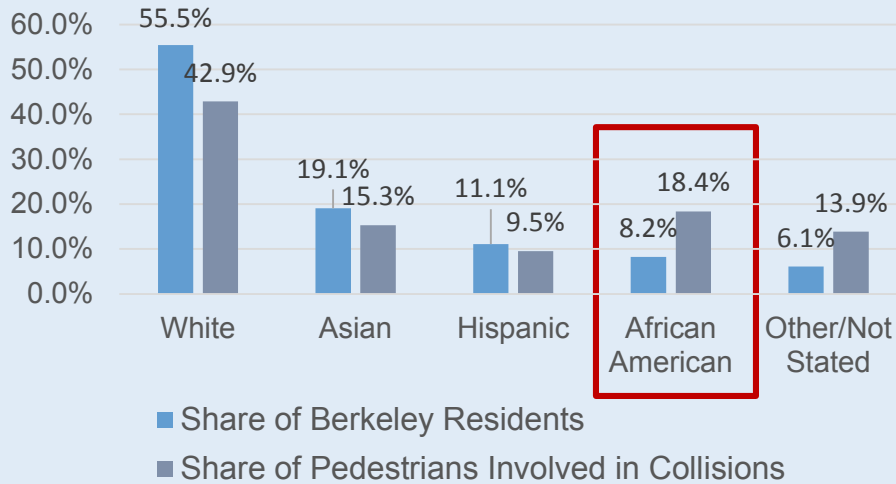


14% of Berkeley's street miles account for 93% of pedestrian fatalities & severe injuries.

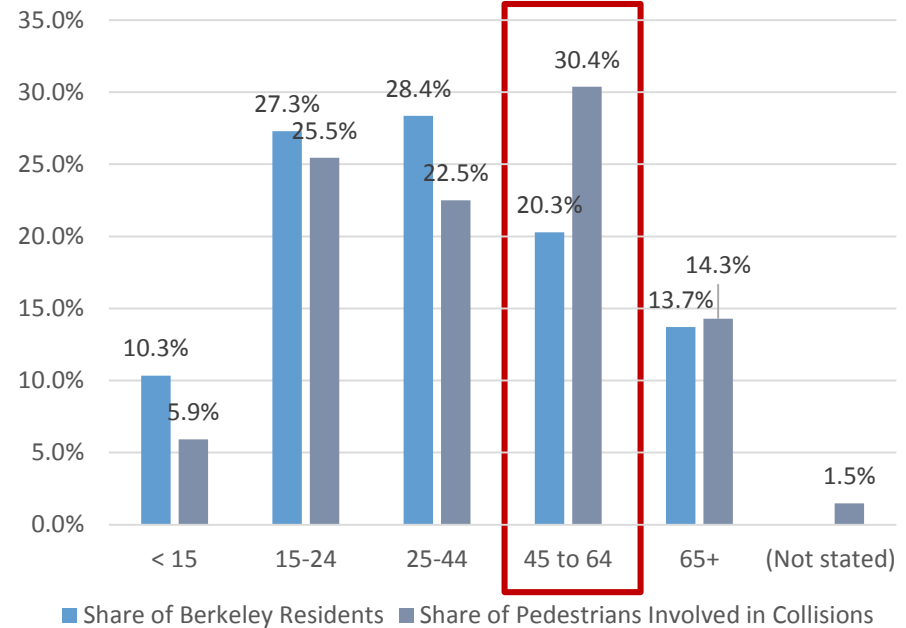
# Who is Most Affected?

(SWITRS data 2012-2016)









## Pedestrian Race



## Pedestrian Age



# Proposed Prioritization Framework

Factor		Description
	Safety	Location on the high-injury network
	Equity	Composite equity score at Census Block Group level
	Connectivity to:	Considers network distance to destinations:
	Schools	<i>0.50-mi from K-12 public, private, and charter schools</i>
	Transit	<i>0.25-mi from major transit stop</i>
	Work	<i>0.50-mi from employment center</i>
	Shopping	<i>0.50-mi from commercial corridor</i>
	Open Space/Parks	<i>0.25-mi from park or open space</i>



# Programs & Guidance

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- » **Assessment of City policies and programs against national best practices**
- » **Foundation for programmatic recommendations**



# Programs & Guidance

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## Anticipated Focus Areas

- » Street lighting focusing on pedestrian crossings
- » Crosswalk Policy
- » Pedestrian signal automated recall paralleling arterials
- » Traffic calming in relation to emergency vehicle access



# Next Steps

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## Public & Transportation Commission Engagement

- » Pedestrian Subcommittee Meeting #2 – Feb 2019
- » Transportation Commission Meeting, March/April 2019
- » Public Open House #2, March/April 2019



# Next Steps

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## Technical Analysis

### » Corridor Prioritization

- Proximity to schools
- Proximity to transit
- Social equity
- Pedestrian demand

### » Project & Program Recommendations – Spring 2019

### » Implementation Plan

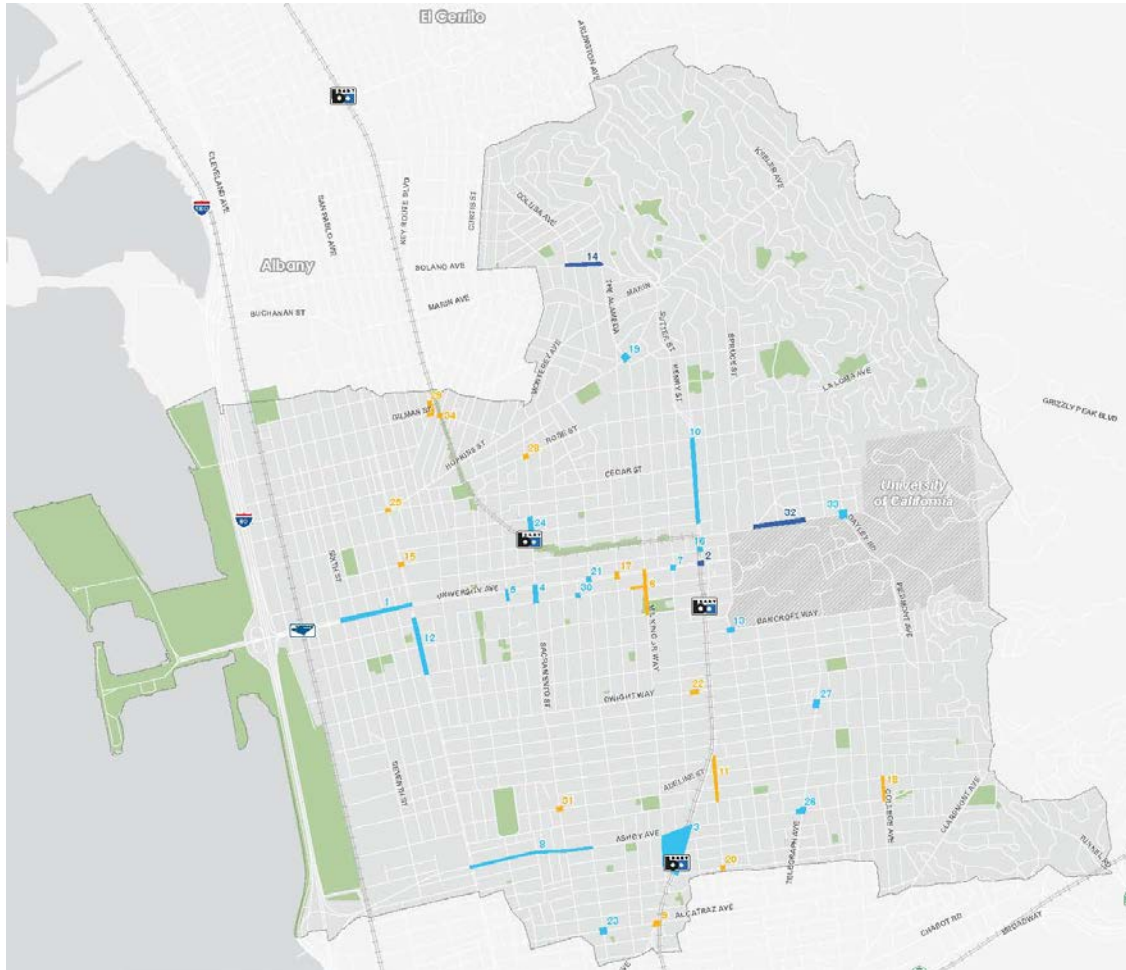


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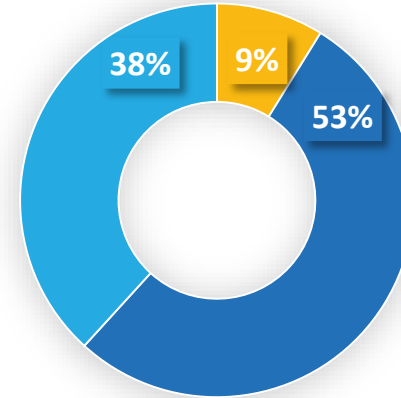
# Questions & Comments



# 2010 Plan Progress Summary



## 34 High Priority Projects

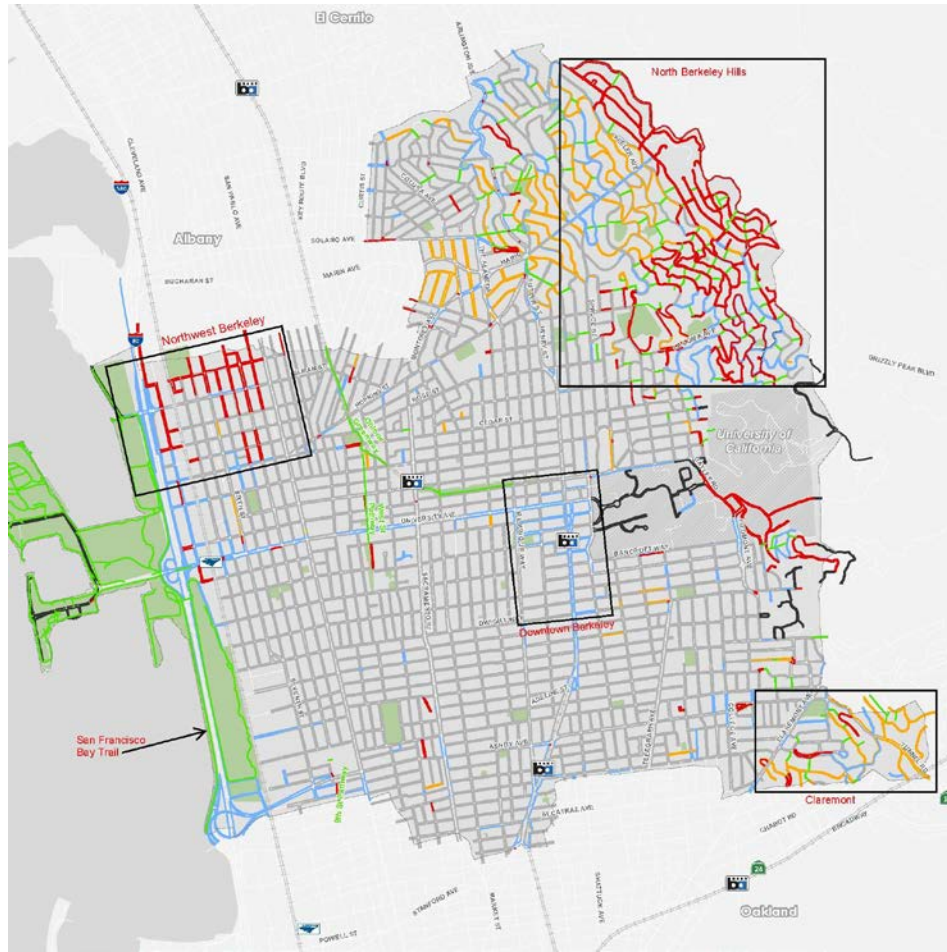


- Completed Projects
- Partially Complete or Underway
- Not Started

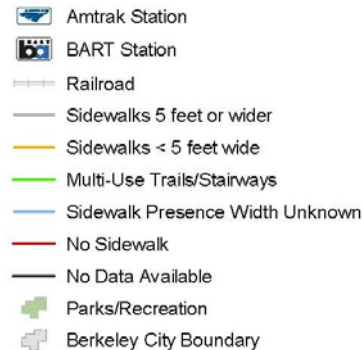
- Complete
- Partially Complete
- Not Started
- Amtrak Station
- BART Station
- Railroad
- Parks/Recreation
- Berkeley City Boundary



# Pedestrian Network Inventory



- » 345 miles of sidewalks
- » 2,106 marked crosswalks
- » 137 paths and stairways
- » 87% of City street miles have sidewalks wider than 5 ft



Draft Ordinance: Number of Vehicles Parked on City Streets.

1. At any one time, no entity shall park more than three vehicles that it owns or leases or controls on any public street within Berkeley City limits.
2. The City Manager, or a department designated by the City Manager, may issue permits to allow an entity to exceed the three vehicle limit. The City Manager shall issue regulations governing such permits, including associated fees. Such a permit shall be displayed in each vehicle owned by the entity, in a manner prescribed by the City Manager.
  - a. Permits may be issued only for cause.
  - b. Cause may include temporary construction projects.
  - c. Cause shall not include ongoing operation of a business.
3. Exceptions
  - a. Vehicles registered to Federal, State, and local government, or other government organizations shall not be subject to this ordinance.
4. Enforcement
  - a. Any entity found to be in violation of this ordinance shall be fined (\$x) for each vehicle found to be in violation.
  - b. Any entity found to be in violation of this ordinance for a second time shall be fined (\$y).
  - c. Any entity found to be in violation of this ordinance for a third or subsequent time shall be fined (\$z).
  - d. Citizen enforcement
    - i. Any citizen may document apparent violations of this ordinance. Such documentation shall be provided in a form usable to the City Manager
      1. The City Manager shall provide his or her response, if any, to that citizen.
    - ii. If no action has been taken by the City Manager after 30 days, such citizen may commence an action in civil court for injunctive relief and court costs.
5. Definitions
  - a. "Entity" means an individual, corporation, limited partnership or other organization capable of registering a vehicle pursuant to section 4150 of the California vehicle code.
6. Circumvention
  - a. The City Manager may issue guidance to prevent circumvention of this ordinance. For example, vehicles registered by similar though not identical entities may be determined to be registered in order to circumvent this regulation.



Health, Housing &  
Community Services Department  
**Commission on Aging**

January 18, 2019

Transportation Commission  
Farid Javandel, Secretary  
Transportation Division  
1947 Center Street – 4th Floor  
Berkeley, CA 94704

**RE: Ongoing concerns regarding Scooter Share Pilot**

Honorable Transportation Commissioners,

The Commission on Aging (CoA) very much appreciates your taking into consideration the various concerns about the Scooter Share Pilot program we have presented to you in the past. That said, we still have a number of concerns that we feel need to be addressed before public safety and equal access to our “commons” can be assured. We strongly feel that the concerns listed here are important to all Berkeley citizens (including scooter riders) and particularly to our rapidly growing elder population. Here’s our list:

1.) No-riding zones (Downtown and other areas):

The CoA continues to feel that, for public safety, certain areas and streets around town - already congested and commercial - need to simply be off-limits for scooter riding during the pilot period.

The most critical of these is Downtown. Here’s our definition of that area:

Hearst to the North. Bancroft to the South. Oxford to the East. Milvia to the West. Scooters will be allowed on Hearst, Bancroft and Milvia but not on Oxford, cross campus route to be developed in coordination with UC.

Other Areas of concern:

North Shattuck to Rose St.

The area near the intersection of Monterey and Hopkins.

Solano Ave to the Albany border.

***A Vibrant and Healthy Berkeley for All***

College Ave from Russel to Webster.

4th St. from University to Virginia.

2.) The problem of Berkeley High Students:

Though riders are required to be at least 18 years old, this is difficult to enforce and there are a number of students at BHS that are over that age. Though Scooters should prove very useful for older students getting to and from school, we are concerned about recreational use during lunch breaks and after school, particularly since non-riding age students might have scooters shared with them by a riding-aged friend. Policy coordination with BUSD is needed before Scooter Share program is launched.

3.) Night-time riding:

Road lighting on scooters is marginal at this point, particularly rear lighting. In the latter case, it is too near to ground to be readily visible and this height level does not conform with the vehicle code. At this point there is no way to place rear lights higher up on the scooter and, though certainly the rider could wear a light on his or her back, this requires proactive ridership which is questionable. Given this, we feel riding should be terminated at dusk until the mounting issue can be resolved and there is better guidance at the State level from the DMV.

4.) Inclement weather:

Inclement weather critically compromises the safety of Scooter riding - even the Scooter share companies recommend that these EPTVs aren't ridden in rain or more severe conditions. Indeed, it is well documented that even wet pavement can be hazardous. We feel that policies need to be made regarding use during inclement weather before the Scooter Share Pilot is launched.

5.) Riding on hills:

Though the speed is limited on scooters, on downhill slopes various models are capable of appreciably exceeding that top speed putting both riders and anyone or anything in the way at increased risk of accident. We feel that policies need to be made regarding use on hills and that the scooters used should not be able to exceed top speed in any circumstances. (There have also been problems with the scooters' brakes as well.)

6.) Concerns about insurance:

According to many Scooter Rental contracts, company liability becomes limited when operators use them in violation of the stated conditions. We are concerned that this could leave Berkeley citizens at risk of needing to pay bills for damages and injuries that are not their fault unless they can get compensation from the rider his or herself. If this is the case, it's untenable.

*Name of Addressee*

*Subject of the letter*

*Date*

Page 3 of 3

7.) Waiting until guidance from DMV:

In general, the CoA feels that not only the Scooter Share pilot but also any adoption of E-Bike rental should be put on hold till there is more guidance from the DMV. Helmets, lighting, the question of whether e-bikes should ride with the general traffic or be in bike lanes are just a few of the issues that need clarity at State level. The list goes on and the CoA suggests that the City of Berkeley take these concerns to our local state representatives and also coordinate with Alameda County as a whole to develop effective policies. At heart, there is no real reason for our municipality to rush forward at this point and doing so will inevitably compromise public safety.

Thanks in advance for taking our concerns into consideration,  
Commission on Aging

Sincerely,  
George Porter, Chair for the Commission on Aging

Richard Castrillon, Director, North Berkeley Senior Center  
Commission on Aging Secretary

Transportation Commission  
February 21, 2019

Communications  
D-7

**From:** Bright, Tamlyn  
**Sent:** Friday, February 15, 2019 9:08 AM  
**To:** Bright, Tamlyn <TBright@cityofberkeley.info>  
**Cc:** Javandel, Farid <FJavandel@cityofberkeley.info>  
**Subject:** FW: Effects of Government Shutdown- Transportation Commission

Please find message below from Secretary Javandel.

*Tamlyn Bright*  
Administrative Secretary  
City of Berkeley Public Works Department  
**Transportation Division**  
1947 Center Street, 4<sup>th</sup> Floor  
Berkeley, CA 94704  
510-981-7058 (PH) 510-981-7060 (FAX) [transportation@cityofberkeley.info](mailto:transportation@cityofberkeley.info)

*As a cost saving measure, most City offices are closed on the 2nd Friday of the month. For a complete schedule of City closures, click [Holidays and Reduced Services Days](#).*

**From:** Javandel, Farid  
**Sent:** Friday, February 15, 2019 9:03 AM  
**To:** Bright, Tamlyn <[TBright@cityofberkeley.info](mailto:TBright@cityofberkeley.info)>  
**Subject:** Effects of Government Shutdown

During the January Transportation Commission Meeting staff was asked about the impacts of the Government shutdown on the city of Berkeley. To date staff has not become aware of any direct impacts to our operations, programs, or funding, including Federal grants.

Farid Javandel, PE, TE  
Transportation Manager  
City of Berkeley, Public Works, Transportation  
1947 Center Street, 4th Floor, Berkeley, CA 94704; 510-981-7061 (PH), 510-981-7060 (FX)  
*Safety | Mobility | Sustainability*