



July 25, 2024

RE: Draft Digest - Reserving the Upper Great Highway as Public Open Recreation Space

Dear Ballot Simplification Committee Members:

We greatly appreciate the deep care and attention you devoted to the thankless task of crafting the digest for this measure. While we believe the vast majority of the text does a great job educating voters about the issue, there are two areas in which we believe it creates more confusion, and so we respectfully submit a request for reconsideration on the following matters:

**1. The “a NO vote means” text should mirror the “a YES vote means” language**

**Draft digest text:**

A "NO" Vote Means: If you vote “no,” you want the Upper Great Highway to continue to be closed to personal and commercial vehicles only on Friday afternoons, weekends and holidays until the pilot program expires.

**Our suggested text:**

A NO Vote Means: If you vote “no,” you do not want the City to use the Upper Great Highway as public open recreation space, permanently closing it to private motor vehicles, with limited exceptions.

**Alternative suggested text:**

A NO Vote Means: If you vote “no,” you do not want the City to make this change.

**Rationale:**

- The Committee spent a great deal of time crafting language such that the “no vote” explanation mirrored the “yes vote” explanation. This mirroring is the most logical way to present the issue to voters: “vote yes if you want this to happen,” “vote no if you do not want this to happen.” Reverting to this mirrored language is the easiest way to restore this clarity.
- Voters who choose to vote “no” on the ordinance may do so for a variety of reasons. Voters may wish to vote “no” because they do not want the Upper Great Highway to be closed to private vehicles at any time, because they want the Upper Great Highway to be closed to private vehicles only on weekends and holidays forever, because they want the Upper Great Highway to be reconstructed and divided in half, or because they want some other arrangement entirely.

The current text states that someone who votes “no” is only doing so for one particular reason, and requires voters to affirm that they want the Great Highway pilot promenade to continue, which may not be the voter’s preference and is a policy preference beyond

rejection of the ballot measure. In other words, the “if you vote ‘no’” language requires the voter to agree to more than is necessary to vote against the measure.

That creates a confusing situation where voters may find that neither the “yes” nor “no” options describe what they want: a voter may decide that their preference is not covered by the “if you vote ‘yes’ you want” option, but that they also do not want the Upper Great Highway to continue to be closed to personal and commercial vehicles only on Friday afternoons, weekends and holidays until the pilot program expires. As this election offers only a binary choice between adopting and rejecting the proposal, voters must see their desires reflected in one or the other of the “you want” options. The current text leaves voters who fall into this category seeking a non-existent third option that describes their desire.

Our suggested text resolves this issue clearly by providing two classifications encompassing all possible voter preferences: people will vote “yes” if they want the City to use the Upper Great Highway in the way prescribed by the ordinance, and they can vote “no” if they, for whatever reason they prefer, do not want that.

- Voters need to clearly understand the implications of a “no” vote. If the ordinance is not adopted, what will happen under current law is that the Upper Great Highway will, on December 31, 2025, no longer be used as public recreation open space on any day of the week. The current text leaves this ambiguous, putting all the emphasis on a pilot program that is set to expire just next year. It implies that someone who wants the roadway to continue to be closed to private vehicles only on certain days will get their wish if they vote “no,” when in fact a “no” vote is a vote to have the roadway closed to private vehicles on no days of the week after 2025.
- The campaign opposing the measure has organized around the brand “Open the Great Highway.” The current “a NO vote means” text is heavily loaded in the language of that campaign and is extremely confusing to voters as a result: if a voter wants to follow the advice of the Open the Great Highway campaign, they must counterintuitively choose the option that reads “you want the Upper Great Highway to continue to be closed.” Our suggested text resolves this confusion by restoring the focus to the legislation’s intent: use the Upper Great Highway as permanent public open recreation space or not.
- The Upper Great Highway is already closed at all times to vehicles weighing over 3 tons, a category encompassing most commercial vehicles, including all the large commercial vehicles mentioned in public comment. It is inaccurate to say that a “no” vote means the Upper Great Highway would restrict commercial vehicles *only* on Friday afternoons, weekends and holidays, as a significant majority of commercial vehicles would be restricted at all times, as they are now.
- The majority of the digest focuses on the use of the Great Highway as “public open recreation space,” as is consistent with the legal text and the authors’ intent. It is confusing to voters to suddenly switch to only discussing a road closure, abandoning the “public open recreation space” language used throughout the rest of the digest.
- Alternatively, as it is rather cumbersome to adequately explain the negative case, we suggest simply using the language “you do not want the City to make this change,”

which concisely informs voters that a “no” vote would be a vote to maintain the status quo that is already meticulously described in “The Way It Is Now.”

## **2. Restore the phrase “private motor vehicles” instead of “personal and commercial motor vehicles” throughout the digest**

### **Rationale:**

- The legal text uses the phrase “private vehicles” 19 times, including in the summary and in one of the most significant operative provisions of the ordinance: “The Recreation and Park Department shall restrict private vehicles from the Upper Great Highway.” Using the same language in the digest as the legal text helps avoid any ambiguity. The ordinary meaning of “private vehicles” is well understood by voters and does not require further definition.
- The ordinance restricts “private vehicles,” while it makes exceptions for numerous types of public vehicles operated by or for the benefit of government entities performing public functions. The phrase “personal and commercial motor vehicles” obscures this distinction, while “private motor vehicles” makes a clear contrast to the allowed vehicles engaged in providing public services.
- According to the Recreation and Parks Department and as shown on official city maps,<sup>1</sup> vehicles weighing more than 3 tons have long been prohibited from using the Upper Great Highway - which are typically commercial vehicles. As such, the Upper Great Highway is already closed to many commercial vehicles, including the large commercial vehicles discussed during public comment. Continuing to restrict these vehicles would not be a change under the ordinance, and so using the phrase “personal and commercial motor vehicles” creates unnecessary confusion regarding the commercial vehicles that are already restricted. Within the context of the opposition’s arguments, this has loaded complications: voters will think that vehicles over 3 tons use the Upper Great Highway today, and will be diverted to side-streets because of a “new” restriction from the ballot measure.
- The ordinance continues to allow some types of commercial motor vehicles, including the “intra-park transit shuttle buses and similar authorized vehicles” described in the digest. Authorized vehicles like park shuttle buses and paratransit vehicles transporting people with disabilities are still commercial vehicles, bearing commercial plates issued by the DMV and operated by drivers holding commercial driver’s licenses, and so it is inaccurate to say that all commercial vehicles are prohibited. Using the “private motor vehicles” phraseology avoids this confusion.

Respectfully submitted,

Lucas Lux  
President, Friends of Great Highway Park

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<sup>1</sup> San Francisco Municipal Transportation Agency, “San Francisco Street Restrictions Effective December 2017,” [https://www.sfmta.com/sites/default/files/pdf\\_map/2017/12/streestrestitutions.pdf](https://www.sfmta.com/sites/default/files/pdf_map/2017/12/streestrestitutions.pdf)