



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 14, 2018

Ordinance 18837

Proposed No. 2018-0477.2

Sponsors Upthegrove

1 AN ORDINANCE regarding the operation and
2 maintenance of county-owned or operated park and ride
3 facilities; authorizing the Metro transit department to
4 impose fees for use of park and ride facilities; amending
5 Ordinance 12643, Section 23, as amended, and K.C.C.
6 28.94.265 and Ordinance 11950, Section 14, as amended,
7 and K.C.C. 28.96.010, adding a new section to K.C.C.
8 chapter 4A.700 and prescribing penalties.

9 **STATEMENT OF FACTS:**

- 10 1. Under chapter 36.56 RCW, King County Ordinances 10530 in 1992
11 and 11032 in 1993, Section 230.10.10 of the King County Charter, K.C.C.
12 Title 2.16, K.C.C. 4.56.060.C. and K.C.C. Title 28, King County is the
13 successor in interest to the Metropolitan Municipality of Seattle, and the
14 Metro transit department exercises the public transportation functions and
15 authorities formerly exercised by the Metropolitan Municipality of Seattle
16 under chapter 35.58 RCW.
- 17 2. RCW 35.58.240 authorizes the county, as successor in interest to the
18 Metropolitan Municipality of Seattle, to charge fees for use of its public
19 transportation related facilities.

20 3. K.C.C. 2.99.030.G.2. requires that enterprise fund fees and the amount
21 of fees be established by ordinance unless specific administrative fee-
22 setting authority is granted by ordinance to a county agency.

23 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

24 NEW SECTION. SECTION 1. There is hereby added to King County code
25 chapter 4A.700 a new section to read as follows:

26 A.1. User fees are established for public use of vehicle parking stalls at park and
27 ride lots and garages located on property owned, managed or leased by the Metro transit
28 department. For the purposes of this section, "department" means the Metro transit
29 department, and "parking facilities" means vehicle parking stalls at park and ride lots and
30 garages.

31 2. The department's parking management goals include: encouraging use of
32 transit; spreading peak-of-the-peak demand for transit; increasing ridership in the region;
33 improving access to transit parking for low-income populations, communities of color,
34 immigrants and refugees, limited-English-speaking populations, transit-dependent
35 populations, individuals who work nontraditional schedules or during off-peak travel
36 periods and other transit riders; increasing use of carpooling; and covering program costs.

37 B.1. The department shall set the user fees and issue parking authorization to
38 users, which may be in the form of a parking permit, for the use of the parking facilities
39 by rule in accordance with K.C.C. chapter 2.98 and the rule shall establish a reduced fee
40 rate for ORCA Lift cardholders. The maximum fee rate for ORCA Lift cardholders shall
41 be fifty percent of the otherwise-applicable user fee, though the department may further
42 reduce the fee rate for ORCA Lift cardholders.

43 2. The department is authorized to enforce its parking facilities user fee program
44 and to impose and collect penalties. The department shall adopt enforcement rules,
45 penalties, late fees and collections fees by administrative rule consistent with K.C.C.
46 chapter 2.98 and the following conditions:

47 a. penalties may not exceed the base monetary penalty established in K.C.C.
48 14A.50.180 for unlawful parking, standing and stopping;

49 b. late fees may not exceed the base monetary penalty established in K.C.C.
50 14A.50.190 for failure to respond to notice of traffic infraction;

51 c. the department may recover costs or fees associated with collecting unpaid
52 debts;

53 d. the department may not use an external collection agency for unpaid debts
54 of three hundred dollars or less; and

55 e. the department may terminate a user's parking authorization as granted
56 under subsection 1.B.1. of this ordinance for unpaid parking facilities user fees or
57 penalties.

58 C.1. The department shall review its parking facilities usage and user fees at least
59 annually and may adjust the fees by rule based on market considerations and the
60 department's parking management goals.

61 2. If the department amends its rules regarding the parking facility user fee
62 program then the department shall post the amended rules on its website and shall
63 transmit an electronic copy of the amended rules to the clerk of the council by May 1 of
64 the calendar year in which the amended rules take effect.

65 3. The department shall post signage at its parking facilities to notify the public

66 of its parking facilities user fee program and rules.

67 E. All parking facility user fees charged under authority of this section shall be
68 used to support the parking user fee program, including, but not limited to, the costs of
69 implementing, maintaining, expanding parking facilities, mitigating the impacts of the
70 program including access to transit and applying innovative technology and management
71 practices to the park-and-ride network. All parking facilities user fees and related fees or
72 penalties authorized in this section shall be deposited into the public transportation
73 operating account of the public transportation fund.

74 F. Appeals relating to citations issued to enforce the department's parking
75 facilities user fee rules shall be governed by K.C.C. chapter 23.20. The procedures for
76 impound appeals shall be established in the department's parking facilities user fee rules
77 and shall be consistent with chapter 46.55 RCW.

78 SECTION 2. Ordinance 12643, Section 23, as amended, and K.C.C. 28.94.265
79 are each hereby amended to read as follows:

80 The director shall submit annually to the council, by September 30, a report on the
81 services and fares authorized by K.C.C. 28.94.035, 4A.700.230, 4A.700.130,
82 4A.700.090, 4A.700.070, 4A.700.050, 4A.700.450, 4A.700.410, 4A.700.110, 28.94.225,
83 4A.700.530, 4A.700.350, 4A.700.610 and 4A.700.210. The report shall also describe
84 any commercial parking agreements permitted by K.C.C. 28.96.220 that are in place,
85 revenues generated and comments from users of the facilities where agreements are in
86 place. The report shall also describe the parking facilities user fees program established
87 by section 1 of this ordinance. The report shall be filed in the form of a paper original
88 and an electronic copy with the clerk of the council, who shall retain the original and

89 provide an electronic copy to all councilmembers.

90 SECTION 3. Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010
91 are each hereby amended to read as follows:

92 A. The following actions are prohibited in, on or in relation to, all transit
93 properties. For conduct not amounting to a violation of another applicable state or local
94 law bearing a greater penalty or criminal sanction than is provided under this section, a
95 person who commits one of the following acts in, on or in relation to transit property is
96 guilty of a civil infraction to which chapter 7.80 RCW applies:

- 97 1. Allowing any animal to occupy a seat on transit property, to run at large
98 without a leash, to unreasonably disturb others or to obstruct the flow of passenger or bus
99 traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;
- 100 2. Allowing that person's own animal to leave waste on transit property;
- 101 3. Rollerskating, rollerblading or skateboarding;
- 102 4. Riding a bicycle, motorcycle or other vehicle except for the purpose of
103 entering or leaving passenger facilities on roadways designed for that use. In tunnel
104 facilities, bicycles must be walked at all times and may not be transported on escalators.
105 However, nothing in this section shall be construed to apply to commissioned peace
106 officers or county employees engaged in authorized activities in the course of their
107 employment;
- 108 5. Eating or drinking. However, eating and drinking nonalcoholic beverages are
109 permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior
110 areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a
111 container designed to prevent spillage is permitted on transit property;

112 6. Bringing onto a transit passenger vehicle any package or other object that
113 blocks an aisle or stairway or occupies a seat if to do so would, in the operator's sole
114 discretion, cause a danger to passengers or displace passengers or expected passengers;

115 7. Operating, stopping, standing or parking a vehicle in any roadway or location
116 restricted for use only by transit vehicles or otherwise restricted;

117 8. Engaging in public communication activities or commercial activities except
118 as authorized under K.C.C. 28.96.020 through 28.96.210;

119 9. Riding transit vehicles or using benches, floors or other areas in tunnel and
120 other passenger facilities for the purpose of sleeping rather than for their intended
121 transportation-related purposes;

122 10. Camping in or on transit property; storing personal property on benches,
123 floors or other areas of transit property;

124 11. Entering or crossing the transit tunnel roadway or transit vehicle roadways
125 in and about other passenger facilities, except in marked crosswalks or at the direction of
126 county or public safety personnel;

127 12. Extending an object or a portion of one's body through the door or window
128 of a transit vehicle while it is in motion;

129 13. Hanging or swinging on bars or stanchions with feet off the floor inside a
130 transit vehicle or other transit property; hanging onto or otherwise attaching oneself at
131 any time to the exterior of a transit vehicle or other transit property;

132 14. Engaging in any sport or recreational activities on transit property;

133 15. Parking a vehicle in an approved parking area on transit property for more
134 than ~~((seventy-two))~~ forty-eight consecutive hours;

135 16. Using a transit facility for residential or commercial parking or encouraging
136 others to make such a use, except the commercial parking that is authorized under K.C.C.
137 28.96.220;

138 17. Performing any nonemergency repairs or cleaning of a vehicle parked on
139 transit property;

140 18. Conducting driver training on transit property; ~~((and))~~

141 19. For those individuals seventeen years of age and under, failing to present a
142 valid, unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as
143 required under county ordinance; and

144 20. Using transit property, including, but not limited to, park and ride lots or
145 garages, without paying a fee or obtaining a permit if a fee or permit is required for the
146 use of such property.

147 B. The following actions are prohibited in, on or in relation to all transit
148 properties. For conduct not amounting to a violation of another applicable state or local
149 criminal law bearing a greater penalty than is provided under this chapter, a person who
150 commits one of the following acts in, on or in relation to transit property is guilty of a
151 misdemeanor:

152 1.a. Smoking or carrying a lighted or smoldering pipe, cigar, cigarette or using
153 an electronic smoking devices, while on or in a transit vehicle or while in or at a bus
154 shelter or transit property or properties.

155 b. For the purposes of this subsection B.1.:

156 (1) "electronic smoking device" means an electronic or battery-operated
157 device that can be used to deliver nicotine or other substances to the person inhaling from

158 the device. "Electronic smoking device" includes, but is not limited to, an electronic
159 cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe or an electronic
160 hookah; and

161 (2) "bus shelter or transit property or properties" means a passenger facility,
162 structure, stop, shelter, bus zone, property or right-of-way of any kind that is owned,
163 leased, held or used by the department for the purpose of providing public transportation
164 services;

165 2. Discarding litter other than in designated receptacles;

166 3. Playing a radio, tape recorder, audible game device or any other sound-
167 producing equipment, except when the equipment is connected to earphones that limit the
168 sound to the individual listener. However, the use of communication devices by county
169 employees, county contractors or public safety officers in the line of duty is permitted, as
170 is the use of private communication devices used to summon, notify or communicate with
171 other individuals, such as pagers or portable telephones;

172 4. Spitting, expectorating, urinating or defecating except in restroom facilities;

173 5. Carrying flammable liquids, flammable or nonflammable explosives, acid or
174 any other article or material of a type or in a manner that is likely to cause harm to others.
175 However, cigarette, cigar or pipe lighters, firearms, weapons and ammunition may be
176 carried if in a form or manner that is not otherwise prohibited by law or ordinance;

177 6. Intentionally obstructing or impeding the flow of transit vehicle or passenger
178 movement, hindering or preventing access to transit property, causing unreasonable
179 delays in boarding or deboarding, reclining or occupying more than one seat, or in any
180 way interfering with the provision or use of transit services;

- 181 7. Unreasonably disturbing others by engaging in loud, raucous, unruly,
182 harmful, abusive or harassing behavior;
- 183 8. Defacing, destroying or otherwise vandalizing transit property or any signs,
184 notices or advertisements on transit property;
- 185 9. Drinking an alcoholic beverage or possessing an open container of an
186 alcoholic beverage. However, possessing and drinking an alcoholic beverage is not
187 prohibited in the tunnel facilities if authorized as part of a scheduled special event for
188 which all required permits have been obtained and when the facilities are not in use for
189 transit purposes;
- 190 10. Entering nonpublic areas, including but not limited to tunnel staging areas
191 and equipment rooms, except when authorized by the director or when instructed to do so
192 by county or public safety personnel;
- 193 11. Dumping any materials whatsoever on transit property, including but not
194 limited to chemicals and automotive fluids;
- 195 12. Throwing an object at transit property or at any person in transit property;
- 196 13. For those individuals eighteen years of age and older, failing to present a
197 valid unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as
198 required under county ordinance;
- 199 14. Possessing an unissued transfer or tendering an unissued transfer as proof of
200 fare payment;
- 201 15. Falsely representing oneself as eligible for a special or reduced fare or
202 obtaining any permit or pass related to the transit system by making a false
203 representation;

204 16. Falsely claiming to be a transit operator or other transit employee; or
205 through words, actions or the use of clothes, insignia or equipment resembling
206 department-issued uniforms and equipment, creating a false impression that the person is
207 a transit operator or other transit employee;

208 17. Bringing onto transit property odors which unreasonably disturb others or
209 interfere with their use of the transit system, whether the odors arise from one's person,
210 clothes, articles, accompanying animal or any other source;

211 18. Engaging in gambling or any game of chance for the winning of money or
212 anything of value;

213 19. Discharging a laser-emitting device on a transit vehicle, directing such a
214 device from a transit vehicle toward any other moving vehicle or directing such a device

215 toward any transit operator or passenger; and
216 20. Knowingly entering or remaining unlawfully on transit property.
217

Ordinance 18837 was introduced on 10/8/2018 and passed as amended by the Metropolitan King County Council on 11/13/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council



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CLERK

APPROVED this 19 day of NOVEMBER, 2018.

Dow Constantine, County Executive

Attachments: None