

S1

November 13, 2018

Sponsor: Dembowski

[pdc]

Proposed No.: 2018-0477

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0477, VERSION**

2 **1**

3 On page 1 beginning on line 8, strike everything through page 9, line 186, and insert:

4 "STATEMENT OF FACTS:

5 1. Under chapter 36.56 RCW, King County Ordinances 10530 in 1992  
6 and 11032 in 1993, Section 230.10.10 of the King County Charter, K.C.C.

7 Title 2.16, K.C.C. 4.56.060.C. and K.C.C. Title 28, King County is the  
8 successor in interest to the Metropolitan Municipality of Seattle, and the  
9 Metro transit department exercises the public transportation functions and  
10 authorities formerly exercised by the Metropolitan Municipality of Seattle  
11 under chapter 35.58 RCW.

12 2. RCW 35.58.240 authorizes the county, as successor in interest to the  
13 Metropolitan Municipality of Seattle, to charge fees for use of its public  
14 transportation related facilities.

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

18 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

- 42 a. penalties may not exceed the base monetary penalty established in K.C.C.  
43 14A.50.180 for unlawful parking, standing and stopping;
- 44 b. late fees may not exceed the base monetary penalty established in K.C.C.  
45 14A.50.190 for failure to respond to notice of traffic infraction;
- 46 c. the department may recover costs or fees associated with collecting unpaid  
47 debts;
- 48 d. the department may not use an external collection agency for unpaid debts  
49 of three hundred dollars or less; and
- 50 e. the department may terminate a user's parking authorization as granted  
51 under subsection 1.B.1. of this ordinance for unpaid parking facilities user fees or  
52 penalties.

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

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

60 3. The department shall post signage at its parking facilities to notify the public  
61 of its parking facilities user fee program and rules.

62 E. All parking facility user fees charged under authority of this section shall be  
63 used to support the parking user fee program, including, but not limited to, the costs of  
64 implementing, maintaining, expanding parking facilities, mitigating the impacts of the

65 program including access to transit and applying innovative technology and management  
66 practices to the park-and-ride network. All parking facilities user fees and related fees or  
67 penalties authorized in this section shall be deposited into the public transportation  
68 operating account of the public transportation fund.

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

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

75 The director shall submit annually to the council, by September 30, a report on the  
76 services and fares authorized by K.C.C. 28.94.035, 4A.700.230, 4A.700.130,  
77 4A.700.090, 4A.700.070, 4A.700.050, 4A.700.450, 4A.700.410, 4A.700.110, 28.94.225,  
78 4A.700.530, 4A.700.350, 4A.700.610 and 4A.700.210. The report shall also describe  
79 any commercial parking agreements permitted by K.C.C. 28.96.220 that are in place,  
80 revenues generated and comments from users of the facilities where agreements are in  
81 place. The report shall also describe the parking facilities user fees program established  
82 by section 1 of this ordinance. The report shall be filed in the form of a paper original  
83 and an electronic copy with the clerk of the council, who shall retain the original and  
84 provide an electronic copy to all councilmembers.

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

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

92           1. Allowing any animal to occupy a seat on transit property, to run at large  
93 without a leash, to unreasonably disturb others or to obstruct the flow of passenger or bus  
94 traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;

95           2. Allowing that person's own animal to leave waste on transit property;

96           3. Rollerskating, rollerblading or skateboarding;

97           4. Riding a bicycle, motorcycle or other vehicle except for the purpose of  
98 entering or leaving passenger facilities on roadways designed for that use. In tunnel  
99 facilities, bicycles must be walked at all times and may not be transported on escalators.

100 However, nothing in this section shall be construed to apply to commissioned peace  
101 officers or county employees engaged in authorized activities in the course of their  
102 employment;

103           5. Eating or drinking. However, eating and drinking nonalcoholic beverages are  
104 permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior  
105 areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a  
106 container designed to prevent spillage is permitted on transit property;

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

- 110           7. Operating, stopping, standing or parking a vehicle in any roadway or location  
111 restricted for use only by transit vehicles or otherwise restricted;
- 112           8. Engaging in public communication activities or commercial activities except  
113 as authorized under K.C.C. 28.96.020 through 28.96.210;
- 114           9. Riding transit vehicles or using benches, floors or other areas in tunnel and  
115 other passenger facilities for the purpose of sleeping rather than for their intended  
116 transportation-related purposes;
- 117           10. Camping in or on transit property; storing personal property on benches,  
118 floors or other areas of transit property;
- 119           11. Entering or crossing the transit tunnel roadway or transit vehicle roadways  
120 in and about other passenger facilities, except in marked crosswalks or at the direction of  
121 county or public safety personnel;
- 122           12. Extending an object or a portion of one's body through the door or window  
123 of a transit vehicle while it is in motion;
- 124           13. Hanging or swinging on bars or stanchions with feet off the floor inside a  
125 transit vehicle or other transit property; hanging onto or otherwise attaching oneself at  
126 any time to the exterior of a transit vehicle or other transit property;
- 127           14. Engaging in any sport or recreational activities on transit property;
- 128           15. Parking a vehicle in an approved parking area on transit property for more  
129 than ((seventy-two)) forty-eight consecutive hours;
- 130           16. Using a transit facility for residential or commercial parking or encouraging  
131 others to make such a use, except the commercial parking that is authorized under K.C.C.  
132 28.96.220;

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

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

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

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

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

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

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

151           (1) "electronic smoking device" means an electronic or battery-operated  
152 device that can be used to deliver nicotine or other substances to the person inhaling from  
153 the device. "Electronic smoking device" includes, but is not limited to, an electronic  
154 cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe or an electronic  
155 hookah; and

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

160           2. Discarding litter other than in designated receptacles;

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

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

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

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

176           7. Unreasonably disturbing others by engaging in loud, raucous, unruly,  
177 harmful, abusive or harassing behavior;



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

201 department-issued uniforms and equipment, creating a false impression that the person is  
202 a transit operator or other transit employee;

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

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

208 19. Discharging a laser-emitting device on a transit vehicle, directing such a  
209 device from a transit vehicle toward any other moving vehicle or directing such a device  
210 toward any transit operator or passenger; and

211 20. Knowingly entering or remaining unlawfully on transit property."  
212

213 **EFFECT: The striking amendment makes the following changes to the proposed**  
214 **ordinance:**

215 **In section 1: (1) Adds a new section A.1, which defines the Metro Transit**  
216 **Department's parking management goals, including equity and social justice goals**  
217 **added by the Council; (2) revises 1.B to include a reference to parking permits,**  
218 **clarify the provision for a discount available to ORCA Lift cardholders, and add**  
219 **penalty language that reduces the maximum penalties and late fees and adds**  
220 **termination of a user's parking authorization as a penalty; (3) revises 1.C to reflect**  
221 **parking management goals being address in 1.A.1, (4) amends and reletters**  
222 **subsection 1.D to state the use of parking fee revenues, and (5) revises the parking**  
223 **enforcement and appeals language.**

224 **Adds new section 2, amending K.C.C. 28.94.265, to include in the annual services**  
225 **and fares report a description of the parking facilities user fees program, and makes**  
226 **other corrections.**

227 **Amends renumbered Section 2 to (1) clarify that the time limit on parking, proposed**  
228 **to be reduced from 72 hours to 24 hours, is only reduced on Monday through**  
229 **Friday of each week, and (2) adds a new civil infraction of “using transit property**  
230 **without paying a fee or obtaining a permit if required.”**

**T1**

November 13, 2018

Title to AMD 3

Sponsor: \_\_\_\_\_

[pdc]

Proposed No.: 2018-0477

1 **AMENDMENT TO PROPOSED ORDINANCE 2018-0477, VERSION 1**

2 On page 1, beginning on line 1, strike lines 1 through 7, and insert:

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

11 **EFFECT: Amends title to reflect Striking Amendment's addition of an amendment**  
12 **to K.C.C. 28.94.265:**

**Allende, Angel**

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**From:** Carlson, Paul  
**Sent:** Friday, November 9, 2018 1:56 PM  
**To:** Clerk, King County Council; Ritzen, Bruce  
**Cc:** Holbrook, Garrett  
**Subject:** 2018-0477\_Striking\_Accepted bar 11-09-18.docx  
**Attachments:** 2018-0477\_Striking\_Accepted bar 11-09-18.docx; 2018-0477\_AMD\_Title.docx

Attached please find striking amendment S1 and title amendment T1 to PO 2018-0477.

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