



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

October 31, 2018

### Ordinance

**Proposed No.** 2018-0477.1

**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 11950, Section 14, as amended, and K.C.C.  
6 28.96.010, adding a new section to K.C.C. chapter 4A.700  
7 and prescribing penalties.

8 **STATEMENT OF FACTS:**

- 9 1. Under chapter 36.56 RCW, King County Ordinances 10530 in 1992  
10 and 11032 in 1993, Section 230.10.10 of the King County Charter, K.C.C.  
11 Title 2.16, K.C.C. 4.56.060.C. and K.C.C. Title 28, King County is the  
12 successor in interest to the Metropolitan Municipality of Seattle, and the  
13 Metro transit department exercises the public transportation functions and  
14 authorities formerly exercised by the Metropolitan Municipality of Seattle  
15 under chapter 35.58 RCW.
- 16 2. RCW 35.58.240 authorizes the county, as successor in interest to the  
17 Metropolitan Municipality of Seattle, to charge fees for use of its public  
18 transportation related facilities.
- 19 3. K.C.C. 2.99.030.G.2. requires that enterprise fund fees and the amount

20 of fees be established by ordinance unless specific administrative fee-  
21 setting authority is granted by ordinance to a county agency.

22 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

30 B. The department shall set the user fees for the use of parking facilities by rule in  
31 accordance with K.C.C. chapter 2.98 and the rule shall establish a reduced fee rate for  
32 ORCA Lift card holders. The reduced fee rate for ORCA Lift card holders shall be not  
33 more than fifty percent of the otherwise-applicable user fee.

34 C.1. The department shall review all parking facilities user fees annually and may  
35 adjust the fees by rule based on market considerations and the department's parking  
36 management goals, which include: improved access to transit parking; increased  
37 carpooling; encouraging transportation mode shifts; spreading peak-of-the-peak demand  
38 for transit; increasing ridership in the region; and covering program costs.

39 2. The department is authorized to enforce its parking facilities user fee program  
40 and to impose penalties not to exceed two hundred fifty dollars per violation. The  
41 department may impose late fees not to exceed one hundred percent of the fee otherwise  
42 due. The department may charge a collections fee for unpaid parking facilities user fees or

43 send unpaid debts to collections. The department shall adopt enforcement rules, penalties,  
44 late fees and collections fees by administrative rule consistent with K.C.C. chapter 2.98.

45 D.1. The department shall review its parking facilities usage and user fees  
46 annually. If the department amends its rules regarding the parking facility user fee program  
47 then the department shall post the amended rules on its website and shall transmit an  
48 electronic copy of the amended rules to the clerk of the council by May 1 of the calendar  
49 year in which the amended rules take effect.

50 2. The department shall post signage at its parking facilities to notify the public of  
51 its parking facilities user fee program and rules.

52 E. All parking facilities user fees and related fees or penalties authorized in this  
53 section shall be deposited into the public transportation operating account of the public  
54 transportation fund.

55 F. Appeals relating to the department's enforcement of its parking facilities user  
56 fee rules shall be governed by K.C.C. 20.22.080, except for appeals relating to vehicle  
57 impounds, which shall be governed by chapter 46.55 RCW as provided in subsection G of  
58 this section.

59 G. In addition or as an alternative to such rules as the department may adopt by to  
60 enforce its parking facilities user fee rules, the department may utilize the process provided  
61 in chapter 46.55 RCW to impound vehicles parked in violation of the department's parking  
62 facilities user fee rules.

63 SECTION 2. Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010 are  
64 each hereby amended to read as follows:

65 A. The following actions are prohibited in, on or in relation to, all transit

66 properties. For conduct not amounting to a violation of another applicable state or local  
67 law bearing a greater penalty or criminal sanction than is provided under this section, a  
68 person who commits one of the following acts in, on or in relation to transit property is  
69 guilty of a civil infraction to which chapter 7.80 RCW applies:

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

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

74           3. Rollerskating, rollerblading or skateboarding;

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

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

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

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

88           7. Operating, stopping, standing or parking a vehicle in any roadway or location

89 restricted for use only by transit vehicles or otherwise restricted;

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

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

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

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

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

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

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

106           15. Parking a vehicle in an approved parking area on transit property for more  
107 than ~~((seventy-two))~~ twenty-four consecutive hours;

108           16. Using a transit facility for residential or commercial parking or encouraging  
109 others to make such a use, except the commercial parking that is authorized under K.C.C.  
110 28.96.220;

111           17. Performing any nonemergency repairs or cleaning of a vehicle parked on

112 transit property;

113 18. Conducting driver training on transit property; and

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

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

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

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

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

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

- 135           2. Discarding litter other than in designated receptacles;
- 136           3. Playing a radio, tape recorder, audible game device or any other sound-
- 137 producing equipment, except when the equipment is connected to earphones that limit the
- 138 sound to the individual listener. However, the use of communication devices by county
- 139 employees, county contractors or public safety officers in the line of duty is permitted, as
- 140 is the use of private communication devices used to summon, notify or communicate with
- 141 other individuals, such as pagers or portable telephones;
- 142           4. Spitting, expectorating, urinating or defecating except in restroom facilities;
- 143           5. Carrying flammable liquids, flammable or nonflammable explosives, acid or
- 144 any other article or material of a type or in a manner that is likely to cause harm to others.
- 145 However, cigarette, cigar or pipe lighters, firearms, weapons and ammunition may be
- 146 carried if in a form or manner that is not otherwise prohibited by law or ordinance;
- 147           6. Intentionally obstructing or impeding the flow of transit vehicle or passenger
- 148 movement, hindering or preventing access to transit property, causing unreasonable
- 149 delays in boarding or deboarding, reclining or occupying more than one seat, or in any
- 150 way interfering with the provision or use of transit services;
- 151           7. Unreasonably disturbing others by engaging in loud, raucous, unruly,
- 152 harmful, abusive or harassing behavior;
- 153           8. Defacing, destroying or otherwise vandalizing transit property or any signs,
- 154 notices or advertisements on transit property;
- 155           9. Drinking an alcoholic beverage or possessing an open container of an
- 156 alcoholic beverage. However, possessing and drinking an alcoholic beverage is not
- 157 prohibited in the tunnel facilities if authorized as part of a scheduled special event for

158 which all required permits have been obtained and when the facilities are not in use for  
159 transit purposes;

160           10. Entering nonpublic areas, including but not limited to tunnel staging areas  
161 and equipment rooms, except when authorized by the director or when instructed to do so  
162 by county or public safety personnel;

163           11. Dumping any materials whatsoever on transit property, including but not  
164 limited to chemicals and automotive fluids;

165           12. Throwing an object at transit property or at any person in transit property;

166           13. For those individuals eighteen years of age and older, failing to present a  
167 valid unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as  
168 required under county ordinance;

169           14. Possessing an unissued transfer or tendering an unissued transfer as proof of  
170 fare payment;

171           15. Falsely representing oneself as eligible for a special or reduced fare or  
172 obtaining any permit or pass related to the transit system by making a false  
173 representation;

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

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

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

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

186           20. Knowingly entering or remaining unlawfully on transit property.

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KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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J. Joseph McDermott, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None