



Legislation Details (With Text)

File #: 2011-0127 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 3/21/2011 **In control:** Budget and Fiscal Management Committee

On agenda: **Final action:** 5/16/2011

Enactment date: 5/27/2011 **Enactment #:** 17096

Title: AN ORDINANCE relating to establishing a per-use fee for public use of King County-owned electric vehicle charging stations; and adding a new chapter to K.C.C. Title 4.

Sponsors: Jane Hague, Larry Phillips, Julia Patterson, Joe McDermott, Kathy Lambert, Reagan Dunn

Indexes: Fees, Transportation

Code sections: 4 -

Attachments: 1. 17096.pdf, 2. 2011-0127 Transmittal Letter.doc, 3. 2011-0127 KC EV Fare Ord 2011 Fiscal Note - DOT Final.xls, 4. Staff Report 05-03-11, 5. Revised Staff Report

Date	Ver.	Action By	Action	Result
5/16/2011	2	Metropolitan King County Council	Hearing Held	
5/16/2011	2	Metropolitan King County Council	Passed	Pass
5/3/2011	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute	Pass
3/21/2011	1	Metropolitan King County Council	Introduced and Referred	

Clerk 05/06/2011

AN ORDINANCE relating to establishing a per-use fee for public use of King County-owned electric vehicle charging stations; and adding a new chapter to K.C.C. Title 4.

STATEMENT OF FACTS:

1. In 2010, Ordinance 16804, creating an electric vehicle charging station program that provides publicly available charging stations, was adopted by the King County council and approved by the King County executive.
2. The ordinance requires the program to recover all of its operating costs through flat-rate, time-based or combination use fees for all vehicles using the electric vehicle charging stations on county-owned, leased or partnering organizations' property.

- a. Under the ordinance, operating costs include, but are not limited to, the county's costs of planning, outreach and administration, utility costs related to the charging stations and facility enforcement costs.
 - b. Any supplemental capital costs in excess of a five-hundred-thousand-dollar county maximum that is not financed through any grant source must also be fully recovered as part of the use fees; however, the King County department of transportation does not expect capital costs to exceed that maximum and it has the ability to scale back site work to stay within the maximum.
3. Ordinance 16804 also requires annual reporting to the King County council by June 30 of each year that addresses the affordability of user fees, usage of the charging stations, cost recovery and public benefit for King County's electric vehicle charging program participants and compared to other programs in Washington state. The report will be used by the council to evaluate the program and to decide whether or not the program should continue beyond three years.
 4. King County is installing electric vehicle charging stations at multiple sites throughout the county for public and county vehicle use. Some of these sites include Burien Transit Center Park-and-Ride, Issaquah Highlands Park-and-Ride, King Street Center, Fauntleroy Ferry Dock and King County Van Distribution Center. Some sites are compatible with a shared parking model where charging will occur for a specific county purpose during part of the day, and be available to the public for secondary purposes during other portions of the day.
 5. Internal review by the department of transportation of all cost considerations for operation and maintenance of an electric vehicle charging program, and expert opinion from equipment vendors and professionals in this field helped to determine the fee range to charge for use of a publicly available charging station. Results from these analyses and opinions ranged from

approximately two dollars to five dollars depending on a large number of variables, many of which are uncertain until more charging equipment is available on the market.

6. Establishing a ceiling for a per-use fee will keep the user cost below a certain point, yet allow the King County department of transportation the flexibility to adjust the fee as market tendencies become more clear, and a better perception of operations and maintenance costs is established.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

SECTION 1. A. Section 3 of this ordinance proposes user fees for electric vehicle charging stations.

B. The fees are imposed in accordance with K.C.C. 2.99.030.G.

SECTION 2. Section 3 of this ordinance should constitute a new chapter in K.C.C. Title 4.

NEW SECTION. SECTION 3.

A. User fees are established for public use of electric vehicle charging station stalls located on property owned or leased by King County.

B. The department of transportation shall set the user fees for the use of electric vehicle charging stations stalls in accordance with this section.

C. The user fees shall not exceed five dollars per use. The user fees shall be calculated as single, per-use fees intended to cover the county's cost of operations related to public use.

1. The county's cost of operations includes, but is not limited to, planning, outreach and administration, maintenance, charging station vendor costs, utility costs related to the charging stations and facility enforcement costs.

2. Differing user fees may be established at particular locations and for uses other than typical daytime parking, such as overnight parking, monthly reservations, special event rates, and other specific circumstances.

D. The department of transportation shall review all user fees twice each year and adjust the fees based on consideration for the costs established in subsections A., B. and C. of this section.

E. All user fees and civil penalties authorized in this section shall be deposited into the public transportation operating account of the public transportation fund and used to support the electric vehicle charging station program.

F. The department of transportation shall post user fees, rules for using the electric vehicle charging station stalls and the penalties for improper use of electric vehicle charging station stall at or near the stalls either via the electronic screen on the charging device or by signage affixed on or near the charging device. The department also shall post the fees, rules and penalties in an appropriate location on the department of transportation website.

G. Failure to pay the applicable user fee or remaining in an electric vehicle charging station stall longer than entitled as a result of the user fee paid, is a violation of this section.

H. The penalty for a violation under subsection G, of this section may result in a civil penalty in an amount established by the department by rule, in accordance with K.C.C. chapter 2.98, not to exceed two hundred dollars. Notice and appeal of the civil penalty shall be as follows:

1. The department shall issue a notice and order and serve it as provided for in this section when the department determines that a violation described in subsection H of this section has occurred. The notice and order shall contain:

a. a description of the vehicle parked in violation of this section, including make, model, color and license plate number;

b. date and time the notice and order was issued;

c. a description sufficient to identify the area where the vehicle was parked when the violation was discovered;

d. a statement that the vehicle is parked in violation of subsection G. of this section, with a brief and concise description of the conditions that established the violation;

e. a statement that the department is assessing a civil penalty, the amount of the penalty and a time

certain by which the penalty shall be paid from the date of the order; and

f. statements advising that:

(1) the director of transportation may review and reconsider the notice and order, but only if a request for review and reconsideration is made in writing as provided in this section and filed with the director within ten days from the date of service of the notice and order;

(2) the address to which the request for review and reconsideration must be sent;

(3) the director's decision may be appealed to the hearing examiner, but only if the appeal is made in writing and filed with the director within fourteen days from the mailing of the director's decision, as provided in K.C.C. chapter 20.24; and

(4) failure to timely request director's review and reconsideration will constitute a waiver of all rights to any administrative hearing and determination of the matter;

2. The notice and order, and any amended or supplemental notice and order, shall be served by affixing the notice and order to the vehicle for which is the subject of the violation, in a conspicuous location on the vehicle;

3. Proof of service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury, executed by the person effecting service and declaring the time, date and manner in which service was made. A copy of the notice and order shall be kept on file by the department of transportation;

4. A person served with a notice and order under this section may request in writing, within ten days of being served with a notice and order, that the director review and reconsider the notice and order;

5. The review shall be performed without a hearing and be based solely on written information provided by the person requesting review and by county personnel or agents;

6. Upon review, the director may uphold the notice and order or waive or reduce the fine or any other penalty contained in the notice and order;

7. The director shall mail the written decision to the person requesting review;
8. The decision shall notify the person requesting review of the right to appeal the director's decision under this section and the procedure for filing the notice of appeal of the director's decision;
9. The King County office of the hearing examiner shall hear appeals of the director's decisions under this section;
10. Any person having received a director's decision under this section may appeal that decision by filing a notice of appeal under K.C.C. chapter 20.24;
11. The procedures for initiating and conducting the appeal shall be governed by K.C.C. chapter 20.24;
12. Enforcement of any notice and order of the department shall be stayed during the pendency of a director's review or an appeal therefrom that is properly and timely filed in accordance with K.C.C. chapter 20.24;
13. The registered owner of a vehicle is liable to pay any civil penalty imposed for a violation under this section. However, the registered owner of a vehicle may avoid liability if the owner proves that the vehicle was reported to the police as a stolen vehicle before the notice and order was issued, and the vehicle had not been recovered;
14. Except as otherwise provided in subsection H.13. of this section, a civil penalty imposed for failure to pay a user fee at a King County department of transportation facility is a personal obligation of the registered owner of the vehicle involved; and
15. If the penalties assessed by the department are not paid to King County within thirty days from the service of the notice, the mailing of the director's decision, or the mailing of the hearing examiner's decision, whichever occurs last, then the department may send a final warning letter to the registered owner of the vehicle to the address on file with the state Department of Licensing. If the civil penalties are not paid within ten days after the final warning letter is sent, then the department may pursue other applicable legal remedies.

In pursuing payment of civil penalties that remain delinquent after the final warning letter is sent, and to cover administrative expenses associated with the pursuit of the penalties, the department may charge the registered owner of the vehicle an additional fee not to exceed fifty percent of the total delinquent civil penalties.

I. In addition or as an alternative to the civil penalty authorized in subsection I. of this section, the department may impound the vehicle without giving prior notice in accordance with the process provided in K.C.C. chapter 46.08. When impoundment is authorized by this section, a vehicle may be impounded by a towing contractor acting at the request of the director or the director's designee. The director or the director's designee shall provide to the towing contractor a signed authorization for the tow and the impound before the towing contractor may proceed with the impound.