



Legislation Text

File #: 2019-0162, **Version:** 2

Clerk 08/21/2019

AN ORDINANCE waiving enforcement of transit fare collection in certain emergencies; and amending Ordinance 11033, Section 5, as amended, and K.C.C. 28.94.020 and Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010.

STATEMENT OF FACTS:

1. The Metro transit department's emergency snow network ("ESN") was developed after a winter storm in December 2008 left buses stranded on unplowed roads and many riders without reliable service. The ESN was developed in coordination and collaboration with jurisdictions to take advantage of designated snow plow plans.
2. In February 2019, King County experienced record high snowfall over an extended period.
3. During that period of heavy snowfall, the Metro transit department enacted its ESN for the first time since its development, reducing service to include only core bus routes and shuttles primarily serving key arterials and transit centers.
3. Authorities opened additional extreme weather shelters for those experiencing homelessness or power outages.
4. The record snowfall and freezing temperatures during that time contributed to at least three deaths from exposure, as well as increased rates of traffic accidents.
5. K.C.C. 28.96.010 applies to penalties for those who do not pay fares to ride Metro transit and can be amended to allow for the waiver of those penalties during a designated emergency.
6. Waiving the penalties for not paying transit fares during serious snowstorms could increase

the accessibility of transit service for those experiencing homelessness and other difficulties, and could increase safety by encouraging people to use transit as transportation to reach shelter and avoid driving.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11033, Section 5, as amended, and K.C.C. 28.94.020 are each hereby amended to read as follows:

The director shall implement the system of public transit routes and services described in this section.

A. Regular routes shall include numbered routes and descriptions therefor as established and revised from time to time by the council. The regular routes, including implementation dates, shall be described in a document called "Public Transit Regular Routes." The director shall ensure that said routes shall be operated and implemented except as otherwise provided in this section.

B. Changes to regular routes shall be subject to approval by the council except as specifically provided in this section.

1. The director is authorized to approve and implement the following changes of established routes and schedules and to update the "Public Transit Regular Routes" document accordingly:

a. any single change or cumulative changes in a service schedule that affect the established weekly service hours for a route by twenty-five percent or less;

b. any change in route location that does not move the location of any route stop by more than one half mile; and

c. any changes in route numbers.

2.a. In addition, if, in the opinion of the director, an emergency exists that requires any change to established routes, schedules or classes of service, the director may implement such a change for such a period as may be necessary in the director's judgment or until such a time as the council shall establish by ordinance otherwise. Such changes that the director intends to be permanent shall be reported in writing to the chair of

the council.

b. If an emergency exists as provided for in this subsection B.2., the director may waive or discount fares otherwise established in K.C.C. chapter 4A.700.

c. If an emergency exists such that the director activates the department's emergency snow network, which is reduced service including only core bus routes and shuttles primarily serving key arterials and transit centers, the director shall waive enforcement of fare collection as established in K.C.C. 28.96.010. In such cases, the department shall communicate the waiving of fare enforcement in all customer and media communications about the emergency snow network activation.

C. Other routes, such as but not limited to tripper service, limited, special, customized and other types of transit routes, may be established by the director consistent with annual appropriations and the comprehensive plan.

D. The director shall establish transit schedules for all routes and classes of service consistent with annual appropriations and the comprehensive plan.

E. The director shall periodically review and evaluate the effectiveness of all public transit routes and services, requests for changes to the routes and services, and the requirements of the comprehensive plan and shall prepare recommendations to the council for changes to routes and services.

F. Within service area boundaries approved by the council and consistent with annual appropriations and the comprehensive plan, the director is authorized to plan, implement and modify dial-a-ride service (DART), including, but not limited to, establishing general routes from which vehicles may deviate in response to demand.

G. The director is authorized and directed to establish such guidelines, and procedures as may be necessary to implement the policies set forth in this chapter. In establishing such guidelines and procedures, the director shall provide for consultation with citizens and each component jurisdiction in advance of any major route or service changes affecting such jurisdictions.

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

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

1. Allowing any animal to occupy a seat on transit property, to run at large without a leash, to unreasonably disturb others or to obstruct the flow of passenger or bus traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;
2. Allowing that person's own animal to leave waste on transit property;
3. Rollerskating, rollerblading or skateboarding;
4. Riding a bicycle, motorcycle or other vehicle except for the purpose of entering or leaving passenger facilities on roadways designed for that use. In tunnel facilities, bicycles must be walked at all times and may not be transported on escalators. However, nothing in this section shall be construed to apply to commissioned peace officers or county employees engaged in authorized activities in the course of their employment;
5. Eating or drinking. However, eating and drinking nonalcoholic beverages are permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a container designed to prevent spillage is permitted on transit property;
6. Bringing onto a transit passenger vehicle any package or other object that blocks an aisle or stairway or occupies a seat if to do so would, in the operator's sole discretion, cause a danger to passengers or displace passengers or expected passengers;
7. Operating, stopping, standing or parking a vehicle in any roadway or location restricted for use only by transit vehicles or otherwise restricted;

8. Engaging in public communication activities or commercial activities except as authorized under K.C.C. 28.96.020 through 28.96.210;
9. Riding transit vehicles or using benches, floors or other areas in tunnel and other passenger facilities for the purpose of sleeping rather than for their intended transportation-related purposes;
10. Camping in or on transit property; storing personal property on benches, floors or other areas of transit property;
11. Entering or crossing the transit tunnel roadway or transit vehicle roadways in and about other passenger facilities, except in marked crosswalks or at the direction of county or public safety personnel;
12. Extending an object or a portion of one's body through the door or window of a transit vehicle while it is in motion;
13. Hanging or swinging on bars or stanchions with feet off the floor inside a transit vehicle or other transit property; hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property;
14. Engaging in any sport or recreational activities on transit property;
15. Parking a vehicle in an approved parking area on transit property for more than forty-eight consecutive hours;
16. Using a transit facility for residential or commercial parking or encouraging others to make such a use, except the commercial parking that is authorized under K.C.C. 28.96.220;
17. Performing any nonemergency repairs or cleaning of a vehicle parked on transit property;
18. Conducting driver training on transit property;
19. For those individuals seventeen years of age and under, failing to present a valid, unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as required under county ordinance, except that if an emergency exists as provided for in K.C.C. 28.94.020.B.2.c.; and
20. Using transit property, including, but not limited to, park and ride lots or garages, without paying a

fee or obtaining a permit if a fee or permit is required for the use of such property.

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

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

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

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

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

2. Discarding litter other than in designated receptacles;

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

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

5. Carrying flammable liquids, flammable or nonflammable explosives, acid or any other article or material of a type or in a manner that is likely to cause harm to others. However, cigarette, cigar or pipe

lighters, firearms, weapons and ammunition may be carried if in a form or manner that is not otherwise prohibited by law or ordinance;

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

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

8. Defacing, destroying or otherwise vandalizing transit property or any signs, notices or advertisements on transit property;

9. Drinking an alcoholic beverage or possessing an open container of an alcoholic beverage.

However, possessing and drinking an alcoholic beverage is not prohibited in the tunnel facilities if authorized as part of a scheduled special event for which all required permits have been obtained and when the facilities are not in use for transit purposes;

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

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

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

13. For those individuals eighteen years of age and older, failing to present a valid unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as required under county ordinance, unless an emergency exists as provided for in K.C.C. 28.94.020.B.2.c.;

14. Possessing an unissued transfer or tendering an unissued transfer as proof of fare payment, unless an emergency exists as provided for in K.C.C. 28.94.020.B.2.c.;

15. Falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or

pass related to the transit system by making a false representation;

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

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

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

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

20. Knowingly entering or remaining unlawfully on transit property.