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Title: AN ORDINANCE relating to roads and bridges; amending Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040, adding new sections to K.C.C. chapter 14.01 and adding new chapters to K.C.C. Title 14.

Sponsors: Kathy Lambert

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2/1/2017	1	Committee of the Whole	Deferred	
1/30/2017	1	Metropolitan King County Council	Introduced and Referred	

Clerk 01/26/2017

AN ORDINANCE relating to roads and bridges; amending Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040, adding new sections to K.C.C. chapter 14.01 and adding new chapters to K.C.C. Title 14.

STATEMENT OF FACTS: The council determines that provisions included in or related to K.C.C. Title 46 (known as the traffic code) that do not pertain to compliance with traffic laws, including setting speed limits and placing and maintaining traffic control devices, should be codified in the appropriate titles, including K.C.C. Title 14 relating to roads and bridges.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. Findings:

A. Under state law, in certain circumstances and only after an engineering and traffic investigation has

been completed, a speed limit on a county road may be increased or decreased under the authority of the council.

B. In accordance with state law and under the direction of the council, the county road engineer supervises the establishing, laying out, constructing, altering, improving, repairing, and maintaining all county roads of the county.

C. The council finds that as part of those supervisory duties, the county road engineer shall have the authority to change speed limits in accordance with the provisions of this ordinance.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Angle parking" means the direction of parking as follows:

A. "Back-in" angle parking means the parking of a vehicle with the front of the vehicle facing towards the main traveled portion of the road; and

B. "Front-in" angle parking means the parking of a vehicle with the rear of the vehicle facing toward the main traveled portion of the roadway.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Bus" means every motor vehicle designed for carrying more than ten passengers and used for transportation of persons, and every motor vehicle, other than a taxicab or transportation network company vehicle, designed and used for the transportation of persons for compensation.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Bus stop" means a fixed portion of the county road parallel and adjacent to the curb to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading or unloading passengers, but only if the bus provides regularly scheduled service within the jurisdiction of King County.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Deputy" means a King County sheriff deputy.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Director" means the director of the King County department of transportation, unless otherwise specified.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Impoundment" means the removal of a vehicle or watercraft to a storage facility either by the sheriff or an authorized agent of the sheriff or by a towing contractor in response to a request from the sheriff or authorized agent of the sheriff.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Sheriff" means the King County sheriff or designee.

NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 14.01 a new section to read

as follows:

"Sign" means a sign that conforms to the sign standards in the edition of the Manual on Uniform Traffic Control Devices referenced in the road standards.

NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini.

NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Towing contractor" means any firm, partnership, tow operator, association or corporation duly licensed by the state of Washington to perform towing and storage services that enters into a contract with the sheriff to perform towing and storage services under the provisions of this chapter.

NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Traffic control devices" means all signs, signals, markings and devices regulated by the edition of the Manual on Uniform Traffic Control Devices referenced in the road standards and not inconsistent with chapter 47.36 RCW and placed or erected by the county for the purpose of regulating, warning or guiding traffic.

NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Traffic engineer" means the King County traffic engineer, whose duties are set forth in this title.

NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"U-turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway.

NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter 14.01 a new section to read

as follows:

"Vehicle" has the same definition as in RCW 46.04.670, and also includes any junk vehicle as defined in RCW 46.55.010 and watercraft as defined in this chapter.

NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter 14.01 a new section to read as follows:

"Watercraft" means a vessel used to transport persons on water.

SECTION 19. Section 20 of this ordinance should constitute a new chapter in K.C.C. Title 14.

NEW SECTION. SECTION 20. The county road engineer may:

A. Close any county road or parts thereof temporarily to any or all traffic in accordance with K.C.C. 14.12.010;

B. Designate one-way county roads; and

C. Change speed limits on county roads in accordance with section 22 of this ordinance.

SECTION 21. Sections 22 through 25 of this ordinance should constitute a new chapter in K.C.C. Title 14.

NEW SECTION. SECTION 22. A. The county council has determined that upon completion of an engineering and traffic investigation of a county road establishing that the maximum speed permitted under state law is greater or less than is reasonable and safe under the conditions found to exist thereon, the county road engineer is authorized to change the maximum limit to:

1. Decrease the limit at intersections;
2. Increase the limit but not to more than sixty miles per hour; or
3. Decrease the limit, but not to less than twenty miles per hour.

B. At the direction of the county road engineer, the traffic engineer shall perform the engineering and traffic investigation to determine if the existing maximum speed limit permitted is appropriate and safe under the conditions found to exist upon a county road. A member of the public may request the county road engineer

to direct that an engineering and traffic investigation be conducted. An engineering and traffic investigation shall be based upon the following factors:

1. Road surface characteristics, shoulder conditions, grade, alignment and sight distance;
2. The eighty-fifth percentile speed and pace speed;
3. Roadside development and land use;
4. Safe speed for curves within the speed zone;
5. Parking practices and pedestrian activity; and
6. Most-recently reported collision history for the preceding thirty-six months.

C. If the traffic engineer, after consideration of the findings of the engineering and traffic investigations, determines that a change in the existing speed limit is appropriate, based on current engineering standards and guidelines, the traffic engineer shall solicit public comment on the proposed change for a period of at least fourteen calendar days by both posting a notice on the King County department of transportation website during the comment period and erecting public comment notice signs in the area where the change in the existing speed limit is proposed. The traffic engineer may also may hold a public meeting to solicit public input on the proposed change. The public may submit its testimony to the traffic engineer by letter or email during the comment period.

D. If the traffic engineer concludes that there should be a change in the speed limit, based on the engineering and traffic investigations results and public comments, the traffic engineer may propose the speed limit revision to the county road engineer. If the county road engineer accepts the traffic engineer's proposal, notice of this proposed speed limit revision and appeal procedures shall be noticed on signs in the area where the change in the existing speed limit is proposed and also posted on the King County department of transportation website for a period of not less than thirty days, the period within which persons may appeal the proposed revision in accordance with subsection E. of this section.

E. A speed limit change shall be final unless, within thirty days from the date the county road

engineer's acceptance of the proposed speed limit revision is posted on the King County department of transportation website, a person files a written objection appeal of to the speed limit change with the county road engineer. The objection must be based on a showing that the engineering and traffic investigations do not support the proposed speed limit change. The county road engineer shall render a written decision on the objection within thirty days from the date the objection is received and transmit the written decision to the person who filed the objection. Any appeal of the county road engineer's decision shall be appealable to the hearing examiner under K.C.C. 20.22.040.

F. The council specifically designates the hearing examiner to hear on its behalf all appeals from decisions of the county road engineer related to changes in speed limits. An appeal must be initiated in accordance with K.C.C. 20.22.080.

G. The county road engineer shall report all speed limit changes to the council by filing a report with the clerk of the council, who shall distribute copies of the report to councilmembers. The county road engineer shall also file a report of speed limit changes with the sheriff and the records and licensing services division of the department of executive services. The county road engineer shall also maintain a copy of the speed limit change report and make the report available to the public during regular business hours. Speed limit revisions take effect when signs with the new speed limit are erected.

NEW SECTION. SECTION 23. The traffic engineer shall maintain a list of all county roads with a designation of maximum speed limits. The department of transportation shall publish this list on the department of transportation website.

NEW SECTION. SECTION 24. The county road engineer may designate school speed zones in accordance with RCW 46.61.440(2).

NEW SECTION. SECTION 25. The county road engineer may set reduced temporary speed limits for special conditions, such as where there is construction on or near a county road, if the locations are posted with signs in accordance with the Manual on Uniform Traffic Control Devices referenced in the road standards. The

temporary speed limits may reduce the posted speed limit by more than ten miles per hour.

SECTION 26. Sections 27 and 28 of this ordinance should constitute a new chapter in K.C.C. Title 14.

NEW SECTION. SECTION 27. The traffic engineer shall:

- A. Determine the installation of traffic control devices;
 - B. Conduct engineering analysis of traffic accidents and devise remedial measures, to conduct engineering investigations of traffic conditions;
 - C. Plan the operation of traffic on county roads;
 - D. Cooperate with other officials in the development of ways and means to improve traffic conditions;
- and
- E. Carry out the additional powers and duties imposed by any county ordinances.

NEW SECTION. SECTION 28. The traffic engineer may:

- A. Place and maintain traffic control devices when and as required under federal or state law or this title, and may place and maintain such additional traffic control devices as the traffic engineer deems necessary to regulate, warn or guide traffic.
- B. Place and maintain such traffic control devices as the traffic engineer deems necessary to regulate, warn or guide traffic of construction, detours, emergencies and special conditions;
- C. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where the traffic engineer deems necessary;
- D. Establish safety zones of such a kind and character and at such places as the traffic engineer deems necessary for the protection of pedestrians;
- E. Mark traffic lanes upon the roadway of any highway where a regular alignment of traffic is necessary;
- F. Regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner;

G. Place and maintain traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at the intersections;

H. Determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and place and maintain proper signs at those intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours, but the prohibitions shall be plainly indicated on the signs or the signs may be removed when the turns are permitted;

I. Erect and maintain stop signs, yield signs or other traffic control devices to designate arterial highways or to designate intersection or other roadway junctions at which vehicular traffic on one or more of the roadways shall yield or stop and yield before entering the intersection or junction, except as provided in RCW 46.61.195;

J. Issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of the permits. The permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to the person the privilege as therein stated and authorized by this section;

K. Erect and maintain signs indicating no parking upon both sides of a highway when the width of the improved roadway does not exceed twenty feet, or erect and maintain signs upon one side of a highway when the width of the improved roadway is between twenty and twenty-eight feet;

L. Determine when standing or parking may be permitted upon the left-hand side of any roadway when the highway includes two or more separate roadways and traffic is restricted to one direction upon any such a roadway and erect and maintain signs giving notice of the permission;

M. Determine and designate by proper signs places in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic;

N. Determine the location of loading zones, passenger loading zones and tow-away zones, and shall place and maintain appropriate signs or curb markings supplemented with the appropriate words stenciled on

the curb indicating the same and stating the hours during which the provisions of this chapter are applicable;

O. Establish bus stops, bus stands, taxicab stands and stands for other for-hire vehicles on such highways, in such places and in such a number as the traffic engineer determines to be of the greatest benefit and convenience to the public, and every such a bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs or by curb markings supplemented with the appropriate words stenciled on the curb;

P. Erect and maintain traffic control devices on any highway or part thereof to impose gross weight limits on the basis of an engineering and traffic investigation;

Q. Erect and maintain traffic control devices on any highway or part thereof to prohibit the operation of trucks exceeding ten thousand pounds gross vehicle weight on the basis of an engineering and traffic investigation, but the devices shall not prohibit necessary local operation on such highways for the purpose of making a pickup or delivery;

R. Erect and maintain traffic control devices on any highway or part thereof to impose vehicle size restrictions on the basis of an engineering and traffic investigation;

S. Determine and designate those heavily traveled highways upon which are prohibited any class or kind of traffic that the traffic engineer deems to be incompatible with the normal and safe movement of traffic on the basis of an engineering and traffic investigation, and shall erect appropriate traffic control devices giving notice thereof;

T. Install parking meters in the established parking meter zones upon the curb adjacent to each designated parking space;

U. Designate the parking space adjacent to each parking meter for which the meter is to be used by appropriate markings upon the curb and/or the pavement of the highway;

V. Designating certain locations as unlawful for pedestrians to use when crossing highways, when the crossing would endanger either pedestrian or vehicular traffic using the highway, and posting appropriate signs

at those locations;

W. Test new or proposed traffic control devices under actual conditions of traffic;

X. Designate parking meter zones upon those highways or parts thereof where the installation of parking meters is necessary to regulate parking.

SECTION 29. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are each hereby amended to read as follows:

The examiner shall issue final decisions in the following cases:

A. Appeals of orders of the ombudsman under the lobbyist disclosure code, K.C.C. chapter 1.07;

B. Appeals of sanctions of the finance and business operations division in the department of executive services imposed under K.C.C. chapter 2.97;

C. Appeals of career service review committee conversion decisions for part-time and temporary employees under K.C.C. chapter 3.12A;

D. Appeals of electric vehicle recharging station penalties of the department of transportation under K.C.C. 4A.700.700;

E. Appeals of notice and orders of the manager of records and licensing services or the director of permitting and environmental review under K.C.C. chapter 6.01;

F. Appeals of adult entertainment license denials, suspensions and revocations under K.C.C. chapter 6.09;

G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;

H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices and orders under K.C.C. 6.27A.240((-));

I. Appeals of notices and orders of the department of natural resources and parks under K.C.C. chapter 7.09;

J. Appeals of decisions of the director of the department of natural resources and parks on surface water

drainage enforcement under K.C.C. chapter 9.04((-));

K. Appeals of decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges under K.C.C. chapter 9.08;

L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12((-));

M. Appeals of notices and orders of the manager of animal control under K.C.C. chapter 11.04;

N. Certifications by the finance and business operations division of the department of executive services involving K.C.C. chapter 12.16;

O. Appeals of orders of the office of civil rights under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C. chapter 12.20 and K.C.C. chapter 12.22;

P. Appeals of noise-related orders and citations of the department of permitting and environmental review under K.C.C. chapter 12.86;

Q. Appeals of utilities technical review committee determinations on water service availability under K.C.C. 13.24.090;

R. Appeals of decisions regarding mitigation payment system, commute trip reduction and intersection standards under K.C.C. Title 14;

S. Appeals of suspensions, revocations or limitations of permits or of decisions of the board of plumbing appeals under K.C.C. chapter 16.32;

T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception of appeals of shoreline permits, including shoreline substantial development permits, shoreline variances and shoreline conditional uses, which are appealable to the state Shoreline Hearings Board;

U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

W. Appeals of decisions of the interagency review committee created under K.C.C. 21A.37.070

regarding sending site applications for certification under K.C.C. chapter 21A.37:

X. Appeals of citations, notices and orders, notices of noncompliance, stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;

Y. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C. 23.36.010.A.2;

AA. Appeals of permit fee estimates and billings by the department of permitting and environmental review, as provided in K.C.C. chapter 27.50;

BB. Appeals from decisions of the department of natural resources and parks related to permits, discharge authorizations, violations and penalties under K.C.C. 28.84.050 and 28.84.060;

CC. Appeals of department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of the department of public safety as provided in RCW 69.50.505;

DD. Appeals from decisions of the county road engineer in the road services division of the department of transportation related to changes in speed limits under section 21 of this ordinance; and

EE. Other applications or appeals that are prescribed by ordinance.