

Legislation Details (With Text)

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File created:	10/8/2018	In control:	Budget and Fiscal Management Committee
On agenda:		Final action:	11/13/2018
Enactment date:	11/19/2018	Enactment #:	18837
Title:	AN ORDINANCE regarding the operation and maintenance of county-owned or operated park and ride facilities; authorizing the Metro transit department to impose fees for use of park and ride facilities; amending Ordinance 12643, Section 23, as amended, and K.C.C. 28.94.265 and Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010, adding a new section to K.C.C. chapter 4A.700 and prescribing penalties.		
Sponsors:	Dave Upthegrove		
Indexes:	Budget, major maintenance, Park and Ride		
Code sections:	28.96.010 - ., 4A.700 - .		
Attachments:	1. Ordinance 18837.pdf, 2. 2018-0477 legislative review form, 3. 2018-0477 transmittal letter, 4. 2018-0477 - 2019-2020 Fee and Budget Advertising, 5. 2018-0477 Fiscal Note, 6. 2018-0477_SR_Metro_Parking_Permits.docx, 7. 2018-0477_ATT2_Amendment1-Clarify.docx, 8. 2018-0477_ATT4_Public_Outreach_for_Paid_Parking.docx, 9. 2018-0477_SR_dated_11062018_Metro_Parking_Permits-11062018.docx, 10. 2018-0477_ATT1_Matrix of Changes.docx, 11. 2018-0477_ATT2_AMD1_Clarify.docx, 12. 2018-0477_ATT3_AMD2_RD_11.06.18.docx, 13. 2018-0477_ATT4_AMD3_10-31.docx, 14. 2018-0477_ATT5_AMDT_Title1 bar 11-05-18.docx, 15. 2018-0466-0478 fee Affidavit of pUB - SEATTLE TIMES 10-31-18.pdf, 16. 18837 amendment package 11-13-18.pdf		

Date	Ver.	Action By	Action	Result
11/13/2018	1	Metropolitan King County Council	Passed as Amended	Pass
11/13/2018	1	Metropolitan King County Council	Hearing Held	
11/6/2018	1	Budget and Fiscal Management Committee	Passed Out of Committee Without a Recommendation	Pass
11/5/2018	1	Metropolitan King County Council	Hearing Held	
10/30/2018	1	Budget and Fiscal Management Committee	Deferred	
10/8/2018	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE regarding the operation and maintenance of county-owned or operated park and ride facilities; authorizing the Metro transit department to impose fees for use of park and ride facilities; amending Ordinance 12643, Section 23, as amended, and K.C.C. 28.94.265 and Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010, adding a new section to K.C.C. chapter

4A.700 and prescribing penalties.

STATEMENT OF FACTS:

1. Under chapter 36.56 RCW, King County Ordinances 10530 in 1992 and 11032 in 1993, Section 230.10.10 of the King County Charter, K.C.C. Title 2.16, K.C.C. 4.56.060.C. and K.C.C. Title 28, King County is the successor in interest to the Metropolitan Municipality of Seattle, and the Metro transit department exercises the public transportation functions and authorities formerly exercised by the Metropolitan Municipality of Seattle under chapter 35.58 RCW.
2. RCW 35.58.240 authorizes the county, as successor in interest to the Metropolitan Municipality of Seattle, to charge fees for use of its public transportation related facilities.
3. K.C.C. 2.99.030.G.2. requires that enterprise fund fees and the amount of fees be established by ordinance unless specific administrative fee-setting authority is granted by ordinance to a county agency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

- A.1. User fees are established for public use of vehicle parking stalls at park and ride lots and garages located on property owned, managed or leased by the Metro transit department. For the purposes of this section, "department" means the Metro transit department, and "parking facilities" means vehicle parking stalls at park and ride lots and garages.
2. The department's parking management goals include: encouraging use of transit; spreading peak-of-the-peak demand for transit; increasing ridership in the region; improving access to transit parking for low-income populations, communities of color, immigrants and refugees, limited-English-speaking populations, transit-dependent populations, individuals who work nontraditional schedules or during off-peak travel periods and other transit riders; increasing use of carpooling; and covering program costs.

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

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

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

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

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

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

E. All parking facility user fees charged under authority of this section shall be used to support the parking user fee program, including, but not limited to, the costs of implementing, maintaining, expanding parking facilities, mitigating the impacts of the program including access to transit and applying innovative technology and management practices to the park-and-ride network. All parking facilities user fees and related fees or penalties authorized in this section shall be deposited into the public transportation operating account of the public transportation fund.

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

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

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

SECTION 3. 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 ~~((seventy-two))~~ 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; ~~((and))~~

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; 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;

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

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.