



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 16, 2011

Ordinance 17096

Proposed No. 2011-0127.2

**Sponsors Hague, Phillips, Patterson,
McDermott, Lambert and Dunn**

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

4 STATEMENT OF FACTS:

5 1. In 2010, Ordinance 16804, creating an electric vehicle charging station
6 program that provides publicly available charging stations, was adopted by
7 the King County council and approved by the King County executive.

8 2. The ordinance requires the program to recover all of its operating costs
9 through flat-rate, time-based or combination use fees for all vehicles using
10 the electric vehicle charging stations on county-owned, leased or
11 partnering organizations' property.

12 a. Under the ordinance, operating costs include, but are not limited to, the
13 county's costs of planning, outreach and administration, utility costs
14 related to the charging stations and facility enforcement costs.

15 b. Any supplemental capital costs in excess of a five-hundred-thousand-
16 dollar county maximum that is not financed through any grant source must
17 also be fully recovered as part of the use fees; however, the King County
18 department of transportation does not expect capital costs to exceed that

19 maximum and it has the ability to scale back site work to stay within the
20 maximum.

21 3. Ordinance 16804 also requires annual reporting to the King County
22 council by June 30 of each year that addresses the affordability of user
23 fees, usage of the charging stations, cost recovery and public benefit for
24 King County's electric vehicle charging program participants and
25 compared to other programs in Washington state. The report will be used
26 by the council to evaluate the program and to decide whether or not the
27 program should continue beyond three years.

28 4. King County is installing electric vehicle charging stations at multiple
29 sites throughout the county for public and county vehicle use. Some of
30 these sites include Burien Transit Center Park-and-Ride, Issaquah
31 Highlands Park-and-Ride, King Street Center, Fauntleroy Ferry Dock and
32 King County Van Distribution Center. Some sites are compatible with a
33 shared parking model where charging will occur for a specific county
34 purpose during part of the day, and be available to the public for
35 secondary purposes during other portions of the day.

36 5. Internal review by the department of transportation of all cost
37 considerations for operation and maintenance of an electric vehicle
38 charging program, and expert opinion from equipment vendors and
39 professionals in this field helped to determine the fee range to charge for
40 use of a publicly available charging station. Results from these analyses
41 and opinions ranged from approximately two dollars to five dollars

42 depending on a large number of variables, many of which are uncertain
43 until more charging equipment is available on the market.

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

48 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

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

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

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

54 NEW SECTION. SECTION 3.

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

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

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

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

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

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

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

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

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

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

- 87 1. The department shall issue a notice and order and serve it as provided for in
88 this section when the department determines that a violation described in subsection H of
89 this section has occurred. The notice and order shall contain:
- 90 a. a description of the vehicle parked in violation of this section, including
91 make, model, color and license plate number;
 - 92 b. date and time the notice and order was issued;
 - 93 c. a description sufficient to identify the area where the vehicle was parked
94 when the violation was discovered;
 - 95 d. a statement that the vehicle is parked in violation of subsection G. of this
96 section, with a brief and concise description of the conditions that established the
97 violation;
 - 98 e. a statement that the department is assessing a civil penalty, the amount of
99 the penalty and a time certain by which the penalty shall be paid from the date of the
100 order; and
 - 101 f. statements advising that:
 - 102 (1) the director of transportation may review and reconsider the notice and
103 order, but only if a request for review and reconsideration is made in writing as provided
104 in this section and filed with the director within ten days from the date of service of the
105 notice and order;
 - 106 (2) the address to which the request for review and reconsideration must be
107 sent;

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

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

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

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

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

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

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

129 7. The director shall mail the written decision to the person requesting review;

130 8. The decision shall notify the person requesting review of the right to appeal
131 the director's decision under this section and the procedure for filing the notice of appeal
132 of the director's decision;

133 9. The King County office of the hearing examiner shall hear appeals of the
134 director's decisions under this section;

135 10. Any person having received a director's decision under this section may
136 appeal that decision by filing a notice of appeal under K.C.C. chapter 20.24;

137 11. The procedures for initiating and conducting the appeal shall be governed by
138 K.C.C. chapter 20.24;

139 12. Enforcement of any notice and order of the department shall be stayed
140 during the pendency of a director's review or an appeal therefrom that is properly and
141 timely filed in accordance with K.C.C. chapter 20.24;

142 13. The registered owner of a vehicle is liable to pay any civil penalty imposed
143 for a violation under this section. However, the registered owner of a vehicle may avoid
144 liability if the owner proves that the vehicle was reported to the police as a stolen vehicle
145 before the notice and order was issued, and the vehicle had not been recovered;

146 14. Except as otherwise provided in subsection H.13. of this section, a civil
147 penalty imposed for failure to pay a user fee at a King County department of
148 transportation facility is a personal obligation of the registered owner of the vehicle
149 involved; and

150 15. If the penalties assessed by the department are not paid to King County
151 within thirty days from the service of the notice, the mailing of the director's decision, or
152 the mailing of the hearing examiner's decision, whichever occurs last, then the

153 department may send a final warning letter to the registered owner of the vehicle to the
154 address on file with the state Department of Licensing. If the civil penalties are not paid
155 within ten days after the final warning letter is sent, then the department may pursue other
156 applicable legal remedies. In pursuing payment of civil penalties that remain delinquent
157 after the final warning letter is sent, and to cover administrative expenses associated with
158 the pursuit of the penalties, the department may charge the registered owner of the
159 vehicle an additional fee not to exceed fifty percent of the total delinquent civil penalties.

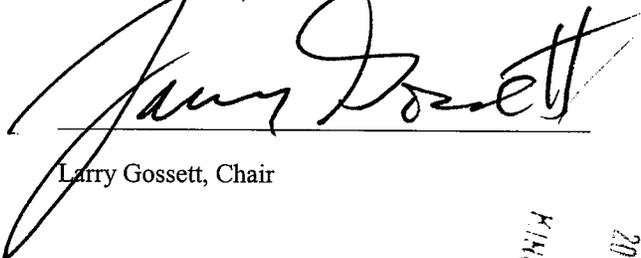
160 I. In addition or as an alternative to the civil penalty authorized in subsection I. of
161 this section, the department may impound the vehicle without giving prior notice in
162 accordance with the process provided in K.C.C. chapter 46.08. When impoundment is
163 authorized by this section, a vehicle may be impounded by a towing contractor acting at
164 the request of the director or the director's designee. The director or the director's

165 designee shall provide to the towing contractor a signed authorization for the tow and the
166 impound before the towing contractor may proceed with the impound.
167

Ordinance 17096 was introduced on 3/21/2011 and passed by the Metropolitan King County Council on 5/16/2011, by the following vote:

Yes: 8 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
No: 0
Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



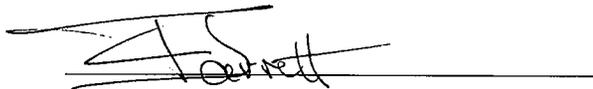
Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 27 day of May, 2011.



Dow Constantine, County Executive

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KING COUNTY COUNCIL CLERK

Attachments: None