



Signature Report

Ordinance 18974

Proposed No. 2019-0162.2

Sponsors Kohl-Welles

1 AN ORDINANCE waiving enforcement of transit fare
2 collection in certain emergencies; and amending Ordinance
3 11033, Section 5, as amended, and K.C.C. 28.94.020 and
4 Ordinance 11950, Section 14, as amended, and K.C.C.
5 28.96.010.

6 **STATEMENT OF FACTS:**

- 7 1. The Metro transit department's emergency snow network ("ESN") was
8 developed after a winter storm in December 2008 left buses stranded on
9 unplowed roads and many riders without reliable service. The ESN was
10 developed in coordination and collaboration with jurisdictions to take
11 advantage of designated snow plow plans.
- 12 2. In February 2019, King County experienced record high snowfall over
13 an extended period.
- 14 3. During that period of heavy snowfall, the Metro transit department
15 enacted its ESN for the first time since its development, reducing service
16 to include only core bus routes and shuttles primarily serving key arterials
17 and transit centers.
- 18 3. Authorities opened additional extreme weather shelters for those
19 experiencing homelessness or power outages.

20 4. The record snowfall and freezing temperatures during that time
21 contributed to at least three deaths from exposure, as well as increased
22 rates of traffic accidents.

23 5. K.C.C. 28.96.010 applies to penalties for those who do not pay fares to
24 ride Metro transit and can be amended to allow for the waiver of those
25 penalties during a designated emergency.

26 6. Waiving the penalties for not paying transit fares during serious
27 snowstorms could increase the accessibility of transit service for those
28 experiencing homelessness and other difficulties, and could increase
29 safety by encouraging people to use transit as transportation to reach
30 shelter and avoid driving.

31 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

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

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

50 c. any changes in route numbers.

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

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

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

65 C. Other routes, such as but not limited to tripper service, limited, special,

66 customized and other types of transit routes, may be established by the director consistent
67 with annual appropriations and the comprehensive plan.

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

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

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

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

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

85 A. The following actions are prohibited in, on or in relation to, all transit
86 properties. For conduct not amounting to a violation of another applicable state or local
87 law bearing a greater penalty or criminal sanction than is provided under this section, a
88 person who commits one of the following acts in, on or in relation to transit property is

89 guilty of a civil infraction to which chapter 7.80 RCW applies:

90 1. Allowing any animal to occupy a seat on transit property, to run at large
91 without a leash, to unreasonably disturb others or to obstruct the flow of passenger or bus
92 traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;

93 2. Allowing that person's own animal to leave waste on transit property;

94 3. Rollerskating, rollerblading or skateboarding;

95 4. Riding a bicycle, motorcycle or other vehicle except for the purpose of
96 entering or leaving passenger facilities on roadways designed for that use. In tunnel
97 facilities, bicycles must be walked at all times and may not be transported on escalators.

98 However, nothing in this section shall be construed to apply to commissioned peace
99 officers or county employees engaged in authorized activities in the course of their
100 employment;

101 5. Eating or drinking. However, eating and drinking nonalcoholic beverages are
102 permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior
103 areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a
104 container designed to prevent spillage is permitted on transit property;

105 6. Bringing onto a transit passenger vehicle any package or other object that
106 blocks an aisle or stairway or occupies a seat if to do so would, in the operator's sole
107 discretion, cause a danger to passengers or displace passengers or expected passengers;

108 7. Operating, stopping, standing or parking a vehicle in any roadway or location
109 restricted for use only by transit vehicles or otherwise restricted;

110 8. Engaging in public communication activities or commercial activities except
111 as authorized under K.C.C. 28.96.020 through 28.96.210;

112 9. Riding transit vehicles or using benches, floors or other areas in tunnel and
113 other passenger facilities for the purpose of sleeping rather than for their intended
114 transportation-related purposes;

115 10. Camping in or on transit property; storing personal property on benches,
116 floors or other areas of transit property;

117 11. Entering or crossing the transit tunnel roadway or transit vehicle roadways
118 in and about other passenger facilities, except in marked crosswalks or at the direction of
119 county or public safety personnel;

120 12. Extending an object or a portion of one's body through the door or window
121 of a transit vehicle while it is in motion;

122 13. Hanging or swinging on bars or stanchions with feet off the floor inside a
123 transit vehicle or other transit property; hanging onto or otherwise attaching oneself at
124 any time to the exterior of a transit vehicle or other transit property;

125 14. Engaging in any sport or recreational activities on transit property;

126 15. Parking a vehicle in an approved parking area on transit property for more
127 than forty-eight consecutive hours;

128 16. Using a transit facility for residential or commercial parking or encouraging
129 others to make such a use, except the commercial parking that is authorized under K.C.C.
130 28.96.220;

131 17. Performing any nonemergency repairs or cleaning of a vehicle parked on
132 transit property;

133 18. Conducting driver training on transit property;

134 19. For those individuals seventeen years of age and under, failing to present a

135 valid, unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as
136 required under county ordinance, except that if an emergency exists as provided for in
137 K.C.C. 28.94.020.B.2.c.; and

138 20. Using transit property, including, but not limited to, park and ride lots or
139 garages, without paying a fee or obtaining a permit if a fee or permit is required for the
140 use of such property.

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

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

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

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

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

158 services;

159 2. Discarding litter other than in designated receptacles;

160 3. Playing a radio, tape recorder, audible game device or any other sound-

161 producing equipment, except when the equipment is connected to earphones that limit the

162 sound to the individual listener. However, the use of communication devices by county

163 employees, county contractors or public safety officers in the line of duty is permitted, as

164 is the use of private communication devices used to summon, notify or communicate with

165 other individuals, such as pagers or portable telephones;

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

167 5. Carrying flammable liquids, flammable or nonflammable explosives, acid or

168 any other article or material of a type or in a manner that is likely to cause harm to others.

169 However, cigarette, cigar or pipe lighters, firearms, weapons and ammunition may be

170 carried if in a form or manner that is not otherwise prohibited by law or ordinance;

171 6. Intentionally obstructing or impeding the flow of transit vehicle or passenger

172 movement, hindering or preventing access to transit property, causing unreasonable

173 delays in boarding or deboarding, reclining or occupying more than one seat, or in any

174 way interfering with the provision or use of transit services;

175 7. Unreasonably disturbing others by engaging in loud, raucous, unruly,

176 harmful, abusive or harassing behavior;

177 8. Defacing, destroying or otherwise vandalizing transit property or any signs,

178 notices or advertisements on transit property;

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

180 alcoholic beverage. However, possessing and drinking an alcoholic beverage is not

181 prohibited in the tunnel facilities if authorized as part of a scheduled special event for
182 which all required permits have been obtained and when the facilities are not in use for
183 transit purposes;

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

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

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

190 13. For those individuals eighteen years of age and older, failing to present a
191 valid unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as
192 required under county ordinance, unless an emergency exists as provided for in K.C.C.
193 28.94.020.B.2.c.;

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

196 15. Falsely representing oneself as eligible for a special or reduced fare or
197 obtaining any permit or pass related to the transit system by making a false
198 representation;

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

203 17. Bringing onto transit property odors which unreasonably disturb others or

204 interfere with their use of the transit system, whether the odors arise from one's person,
205 clothes, articles, accompanying animal or any other source;

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

208 19. Discharging a laser-emitting device on a transit vehicle, directing such a
209 device from a transit vehicle toward any other moving vehicle or directing such a device

210 toward any transit operator or passenger; and
211 20. Knowingly entering or remaining unlawfully on transit property.
212

Ordinance 18974 was introduced on 5/1/2019 and hearing held/closed and passed by the Metropolitan King County Council on 8/28/2019, by the following vote:

Yes: 7 - Mr. von Reichbauer, Mr. Gossett, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove and Ms. Kohl-Welles
No: 2 - Ms. Balducci and Ms. Lambert



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 13 day of SEPTEMBER 2019.

Dow Constantine, County Executive

RECEIVED
2019 SEP 13 PM 1:11
CLERK
KING COUNTY COUNCIL

Attachments: None



King County MEMORANDUM

August 27, 2019

TO: Hon. Dow Constantine, King County Executive
FM: Melani Pedroza, Clerk of the Council
RE: Ordinance Passed by the Council

ELKa 9/3/19

The following ordinances were adopted by the Council at its meeting of Wednesday, August 28, 2019.

18974

These ordinances are hereby presented to you on September 3, 2019 for your signature or veto and your return to the Clerk's Office on September 13, 2019 pursuant to Section 230.20 of the King County Charter¹. If that deadline date falls on a Saturday or Sunday, you must either:

1. return the ordinance before 4:30 p.m. on the preceding Friday, or
2. make arrangements with the Clerk's Office no later than noon on that Friday for the Clerk to open the Clerk's Office outside normal business hours for the purpose of receiving your return of the ordinance prior to the expiration of the return.

An ordinance not returned prior to the deadline shall be deemed enacted without the Executive's signature and this shall be reflected on the official records of the Clerk.

MP:cc
Enclosure

1. Section 230.20 of the King County Charter provides:

Within ten days after its presentation, the county executive shall either sign the ordinance and return it to the county council, veto the ordinance and return it to the county council with a written and signed statement of the reasons for his or her veto or sign and partially veto an appropriation ordinance and return it to the county council with a written and signed statement of the reasons for his or her partial veto. If an ordinance is not returned by the county executive within ten days after its presentation it shall be deemed enacted without his or her signature.