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Title: AN ORDINANCE relating to commercial parking on transit park and ride lots; amending Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010 and Ordinance 11950, Section 15 (part), and K.C.C. 28.96.020 and adding a new section to K.C.C. chapter 28.96.

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Attachments: 1. 16770.pdf, 2. 2010-0050 Transmittal Letter.doc, 3. 2010-0050 Fiscal Note.xls, 4. 2010-0050 Staff Report - Park-n-Rides, 5. 2010-0050 Attachment 4 - County Park and Ride List, 6. 2010-0050 Striker attach, 7. 2010-0050 Revised Staff Report - Park-n-Rides

Date	Ver.	Action By	Action	Result
3/8/2010	2	Metropolitan King County Council	Passed	Pass
2/23/2010	1	Environment and Transportation Committee	Recommended Do Pass Substitute	Pass
1/19/2010	1	Metropolitan King County Council	Introduced and Referred	

Clerk 02/25/2010

AN ORDINANCE relating to commercial parking on transit park and ride lots; amending Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010 and Ordinance 11950, Section 15 (part), and K.C.C. 28.96.020 and adding a new section to K.C.C. chapter 28.96.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings: The council makes the following findings:

A. The county owns and operates park and ride lots throughout King County.

B. Park and ride lots represent a significant investment of public funds and the parking is intended to be used by the public for the purposes of reducing congestion by serving as a collection point for riders of public transportation and other publicly supported modes of shared commuting.

C. Park and ride lots are primarily used weekdays by commuters using public transportation. That primary purpose should be preserved by ensuring that it has priority over other allowable uses of park and ride lots.

D. On June 22, 2009, the council approved Motion 13014, directing the transit division to report on revenue-generating entrepreneurial activities that could be used to address the transit division's long-term funding needs. In its response, the transit division identified third-party use of park and rides as a potential new revenue source for the public transportation fund.

E. Available parking capacity exists at some park and ride lots, especially evenings and weekends, that is not currently being used by riders of public transportation.

G. The transit division has the ability to control selective use of park and rides by private entities so that such use does not interfere with the primary purpose of the park and ride lots. However, private entities that receive an economic benefit from such a use should pay for such a use.

H. In some circumstances the private use of park and rides can also serve the purpose of removing single occupancy vehicles from congested roadways.

I. Any such agreements between the transit division and private firms must be consistent with state, county and municipal law and relevant agreements with other agencies, including, but not limited to, the Federal Transit Administration, Sound Transit, and the Washington state Department of Transportation.

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

A. ~~((Infractions.))~~ 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 his or her 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 ((which)) 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 consecutive hours;

16. Using a transit facility for residential or commercial parking ~~((purposes))~~ or encouraging others to make such a use, except the commercial parking that is authorized under section 3 of this ordinance;

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

18. Conducting driver training on transit property.

B. ~~((Misdemeanors.))~~ 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. Smoking or carrying a lighted or smoldering pipe, cigar or cigarette while in a transit vehicle or in the platform or mezzanine areas of the tunnel;

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 ((6)), such as ((~~"beepers"~~)) paggers or portable telephones((7));

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((7)) 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 said 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 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. 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 and/or the use of clothes, insignia or equipment resembling department-issued uniforms and equipment, creating a false impression that he or she 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 such 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; and
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.

SECTION 3. Ordinance 11950, Section 15(part) and K.C.C. 28.96.020 are hereby amended to read as follows:

A. (~~Purpose.~~) In furtherance of its proprietary function as provider of public transportation, the county makes a variety of transit properties available to persons who use public transit services. Although transit properties may be accessed by the general public, they are not open public forums either by nature or by designation. Transit properties are intended to be used for public transit-related activities and provide little, if any, space for other activities.

Most public communication activities are generally prohibited in or on transit properties, regardless of viewpoint expressed, because they are incompatible with the county's legitimate interests, including, but not limited to:

1. Securing the use of scarce parking spaces and shelter space for persons who are using public transit services;

2. Maintaining safe, clean and secure transit properties to retain existing, and attract new users of public transit services;
3. Reducing litter pick-up and other maintenance or other administrative expenses so as to maximize the provision of public transit services;
4. Preventing delays and inconvenience to passengers by minimizing congestion, and expediting their boarding, transferring~~((,))~~ and deboarding of transit vehicles; and
5. Securing scarce space at the tunnel and other passenger facilities for potential commercial activities intended to produce revenues for the system and attract riders with convenience services and goods.

It is the purpose of this chapter to describe the varying degrees to which passengers and the public are allowed to engage in public communication activities on the three categories of transit property identified in ~~((Sections))~~ K.C.C. 28.96.030, 28.96.040 and 28.96.050. This chapter does not apply to county activities or to county employees engaged in authorized activities in the course of their employment.

B. ~~((Obligations of communicator.))~~ In addition to any civil infraction or criminal sanctions which may be applicable under this chapter or applicable federal, state and local law, any person engaged in public communication activities and found responsible for litter, damages or destruction of property, whether by accident or intent, shall be responsible for cleaning-up and~~((/or))~~ shall be liable for the cost of clean-up, repair and replacement as necessary.

C. ~~((Non-county uses. Notwithstanding the limitations and prohibitions contained in this chapter, t))~~ The county reserves the right to enter into licenses, leases or other use agreements permitting ((non-county)) noncounty uses of transit properties ((which)) that are not otherwise limited or prohibited by this chapter and are found to be compatible with the county's proprietary public transit function and interests; provided the executive shall comply with applicable King County Charter, King County Code and state law requirements in executing such licenses, leases and agreements.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 28.96 a new section to read as

follows:

A. The county may permit the following types of commercial parking within park and ride lots:

1. For overflow parking for nearby business, except that the parking shall not be used to satisfy parking requirements under any land use or development code or other law or regulation; or

2. For customer parking for privately-operated passenger transportation services.

B. Permission under subsection A. of this section shall be granted by the county entering into licenses, leases or other contractual use agreements. The agreements shall include terms requiring payment based on consideration of these factors:

1. The fair market value of the use of transit property;

2. The actual costs incurred by the county in processing the request for use, in providing additional operation and maintenance of the park and ride lot and in administering the agreement; and

3. The existence of offsetting benefits that will directly support the county's transit program.

C. Any such an agreement shall protect the primary purpose of the transit property through such means as time-of-day restrictions, and shall be terminable by the county in the event of increased demand by transit commuters for parking. The agreements shall provide that this determination shall be at the sole discretion of the county.

D. For each park and ride location at which such a use is authorized, the transit division shall post a public notice advising transit commuters how to comment to the division management regarding the effect on availability of transit commuter parking.

E. Any such an agreement shall be consistent with state, county and municipal law and applicable agreements with other agencies, including, but not limited to, the Federal Transit Administration, Sound Transit and the Washington state Department of Transportation.

F. The transit division shall provide an annual report to the council on the agreements in place, revenues generated and comments from users of the facilities where agreements are in place. The report must

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.