1/23/97 CAJ:cj sub ord 96-958

Introduced By:

Maggi Fimia Rob McKenna

Proposed No.:

96-958

ORDINANCE NO. 12643

AN ORDINANCE related to public transportation, modifying the paratransit service program for elderly and people with disabilities, restructuring transit rates of fare into separate code sections, revising rates of fare for Center Park and paratransit services, and revising equivalent cash fares for paratransit; repealing Ordinance 11033, Section 8, as amended, Ordinance 11640, Sections 1 and 2, Ordinance 12084, Section 2, Ordinance 12497 and Resolution No. 6270 of the council of the Municipality of Metropolitan Seattle and K.C.C. 28.94.010 and K.C.C. 28.94.050; and adding new sections to K.C.C. 28.94.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11033, Section 8, as amended, Ordinance 11640, Sections 1 and 2, Ordinance 12084, Section 2, Ordinance 12497 and Resolution No. 6270 of the council of the Municipality of Metropolitan Seattle and K.C.C. 28.94.010 and K.C.C. 28.94.050 are hereby repealed.

<u>NEW SECTION.</u> SECTION 2. There is added to K.C.C. 28.94 a new section to read as follows:

Paratransit Service for Elderly and People with Disabilities. A. Paratransit service shall be provided in accordance with the terms, limits and conditions specified in the Paratransit Service Plan, originally adopted by Resolution No. 6250 of the council of

the Municipality of Metropolitan Seattle and as subsequently adopted by the Metropolitan King County Council and updated by the director as provided in this chapter.

- B. The following persons shall be eligible for such paratransit service as is made available by the county:
- Persons who meet the criteria for Americans with Disabilities Act of 1990
 (ADA) paratransit eligibility set forth in 49 CFR part 37;
- 2. Persons with disabilities who are age 18 or older and whose annual income is at or below seventy percent of the median income for the state of Washington, as determined from time to time by the Washington State Department of Social and Health Services and adjusted for family size; and
- 3. Persons who are at least sixty-five years of age and whose annual income is at or below seventy percent of the median income for the state of Washington, as determined from time to time by the Washington State Department of Social and Health Services and adjusted for family size.
- C. When subscription trip demand for paratransit service reaches the fifty percent limit established in 49 CFR part 37, priority for subscription trips shall be given to riders who meet the ADA paratransit eligibility criteria.
- D. The director of the King County Department of Transportation (hereinafter called "director") is authorized to:
- 1. Organize the paratransit service functions, including but not limited to scheduling, dispatching, operations and vehicle maintenance, and, subject to annual appropriations and applicable contracting and procurement requirements, enter into

agreements with private agencies and private carriers for the provision of one or more of said functions;

- 2. Develop and implement procedures in accordance with 49 CFR part 37 for the certification of ADA paratransit eligibility and the suspension of paratransit service to eligible individuals with a documented pattern or practice of missing scheduled trips.

 Suspensions under this paragraph shall not be processed according to the procedures dealing with suspensions related to violations of rules of conduct on transit property and facilities as set forth elsewhere in K.C.C. Title 28;
- 3. Encourage social service agencies to coordinate their transportation resources with the county and its service providers for the purpose of maximizing the provision of transportation service and the use of all available nondepartment resources;
- 4. Enter into agreements with social service agencies to share vehicles and costs for group trips sponsored and subsidized by the agencies;
- 5. Enter into agreements with other transit agencies to establish fares and other procedures for allocating paratransit trips to ADA-eligible passengers seeking to transfer between transportation systems or cross jurisdictional boundaries and/or to allocate the costs of providing paratransit service where the paratransit services of the other agencies overlap King County's paratransit service;
- 6. Submit to the Federal Transit Administration information as may be required under applicable federal regulations; and

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7. Take necessary and reasonable actions to carry out the policies set forth in this section and, in consultation with other local agencies, to cause paratransit services to be monitored and report to the council as provided in Section 23 of this ordinance.

<u>NEW SECTION. SECTION 3</u>. There is added to K.C.C. 28.94 a new section to read as follows:

Rates of fare for transit program. Except as may otherwise be provided by ordinance, the following fare categories and rates for regularly scheduled public transportation service on bus, trolley, transit van, dial-a-ride, and streetcar routes within the entire transit service area are hereby established:

Full Fares	One-Zone Off-Peak	One-Zone Peak	Two-Zone Off-Peak	Two-Zone Peak
Cash	\$.85	\$ 1.10	\$ 1.10	\$ 1.60
Monthly Pass	30.50	39.50	39.50	57.50
Three Month Pass	N/A	109.00	N/A	159.00
Annual Pass	336.00	435.00	435.00	633.00

Weekend/Holiday All- Day Pass				·
Cash	1.70	N/A	1.70	N/A

Children's Fare	One-Zone	One-Zone	Two-Zone	Two-Zone
	Off-Peak	Peak	Off-Peak	Peak
Up to four children under age five ride free per Paragraph 3	Free	Free	Free	Free

Youth Fare				
Cash	\$.75	\$.75	\$.75	\$.75

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Family Fare				
Cash	.85	N/A	1.10	N/A
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Senior Fares				
Cash	.25	.25	.25	.25
Monthly Pass	3.75	3.75	3.75	3.75
Annual Pass	45.00	45.00	45.00	45.00
				
Fares for Persons with		•		
Disabilities:				
Cash	.25	.25	.25	.25
Monthly Pass	3.75	3.75	3.75	3.75
Annual Pass	45.00	45.00	45.00	45.00

Such fare categories and rates are subject to, and defined by, the following terms:

- 1. Monthly, three month and annual passes may be issued, sold, and consigned at the rates set forth in this section, entitling the holder thereof to an unlimited number of rides subject to the zone and time-of-day limitations applicable to the type of pass held.

 The one- and two-zone trip limitations are set forth in K.C.C. 28.94. The time-of-day limitations for peak period trips and off-peak period trips are set forth in K.C.C. 28.92.

 Pass holders that have passes with a single-trip value less than the proper fare shall pay the cash difference.
- 2. A weekend/holiday All-Day Pass may be issued and sold to be valid only on Saturdays, Sundays and the days on which the following holidays are legally observed:

 New Year's Day; Martin Luther King, Jr., Day; Presidents' Day; Memorial Day;

 Independence Day; Labor Day; Thanksgiving Day; and Christmas Day. Upon payment of the All-Day Pass fare set forth in this section, persons five years of age or older may receive an All-Day Pass which shall entitle the user to unlimited riding within the entire

transit service area on regularly scheduled public transportation service and which shall be valid only for the day on which said pass is purchased.

- 3. When accompanied by a responsible person paying the proper fare as set forth in this section, up to four children under five years of age shall be entitled to ride free.
- 4. A youth fare at the rate set forth in this section shall be available to persons from five through seventeen years of age and persons over seventeen years of age who attend regular sessions of junior or senior high school. The director is authorized to issue a monthly youth pass at a rate equal to twenty-four times the youth fare, which pass shall entitle the holder to unlimited riding within the entire transit service area on regularly scheduled public transportation service.
- 5. A family fare on regularly scheduled public transportation service shall be valid on Sundays and the holidays on which weekend/holiday All-Day Passes are issued and sold. Upon payment of the proper fare as set forth in this section, any person eighteen years of age or older may be accompanied by up to four persons seventeen years of age or under without payment of any additional fare.
- 6. Persons at least sixty-five years of age who apply for and receive a regional reduced fare permit shall be entitled to unlimited rides within the entire transit service area on regularly scheduled public transportation service upon payment of the senior fares set forth in this section.
- 7. Persons with disabilities who apply for and receive a regional reduced fare permit shall be entitled to unlimited rides within the entire transit service area on regularly scheduled public transportation service upon presentation of the permit and payment of the fare set forth in this section for persons with disabilities. An attendant, when

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accompanying a fare-paying person with a disability who can ride transit only with the assistance of such an attendant all or some of the time and who has been issued an "Attendant Ride Free" permit pursuant to this chapter, shall be entitled to ride free.

- 8. The rate of fare for paratransit service shall be 50 cents per trip and \$8.75 for a monthly pass effective within 60 days after the effective date of this ordinance.
- 9. The rate of fare for customized bus service to residents of Center Park, a facility of the Seattle Housing Authority located at 2121 26th Avenue South, Seattle, shall be equivalent to the paratransit rate specified in this section.

<u>NEW SECTION. SECTION 4</u>. There is added to K.C.C. 28.94 a new section to read as follows:

Equivalent Cash Fares. The director is authorized to issue, sell, consign, and/or accept tickets, tokens, commodities or certificates at rates equal to the equivalent cash fare. In order to implement the consignment of fare media authorized under this chapter, the executive is authorized to enter into retail consignment contracts to pay commissions to outlets which sell said fare media. Unless otherwise agreed to in a contract approved by the council, the director is authorized to pay commissions at the rates set forth in the following schedule.

Category A Outlets: \$1.00 per pass sold, except paratransit service pass
.40 per ticketbook sold
.40 per paratransit service pass
.10 per Reduced Fare Sticker sold

Category B Outlets: \$.50 per pass sold, except paratransit service pass
.50 per ticketbook sold
.40 per paratransit service pass
.10 per Reduced Fare Sticker sold

Category C Outlets: \$.40 per paratransit service pass

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.10 per Reduced Fare Sticker sold

Category A outlets are those outlets operated by a single entity which is able to:

- 1. Provide a minimum of 25 outlets, open over eight hours per day, seven days a week, with broad geographic coverage across the county, including the city of Seattle central business district;
 - 2. Include transit promotions in its regular advertising;
 - 3. Sell a minimum of 15,000 fare media items a month; and
- 4. Provide substantial administrative cost savings to the department by distributing fare media to multiple outlets and remitting sales revenue from multiple outlets in a single payment.

Category B outlets are any non-Category A outlets located in the city of Seattle central business district.

Category C outlets are any non-Category A outlets located outside the city of Seattle central business district.

<u>NEW SECTION.</u> SECTION 5. There is added to K.C.C. 28.94 a new section to read as follows:

System of Transfers. The director shall establish a system of transfers to permit a person paying the proper fare to ride regularly scheduled service in any direction subject to the zone and time-of-day limitations applicable to the transfer. The holder of a transfer of a lesser value than the proper fare shall pay the cash difference. The time limit for transfers shall not exceed two and one-half hours from time of issuance.

<u>NEW SECTION. SECTION 6</u>. There is added to K.C.C. 28.94 a new section to read as follows:

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Pass Agreements. The executive is authorized to negotiate and enter into agreements with employers, groups of employers, educational institutions, transportation management associations and other organizations for the purpose of selling passes for distribution and use by employees, students and/or others traveling to their facilities. At a minimum, such agreements shall contain the following terms:

- 1. A description of the type of pass to be sold. Passes sold under such agreements shall be flexpasses or monthly, three-month, or annual passes.
- 2. For flexpass agreements: a description of the services and benefits available to the flexpass holder, of which there shall be at least two services or benefits provided by the other party to the agreement that are in addition to the transit element, the designation of a transportation coordinator and the distribution of alternative commuting information; the number of passes to be issued and the cost thereof, the cost of issuing additional and replacement passes during the term of the agreement, a schedule of payments and an agreement term not to exceed three years. Unless otherwise agreed to by the council, the price terms for the transit element of a flexpass agreement shall be established according to the following schedule of annual calculations. Further, the agreement shall require reimbursement of the cost of additional services provided by the department and shall include provisions for modification due to changes in fares and program fees.

First twelve months: Trip Revenue x Baseline Trips

Second twelve months: (TR x Baseline Trips) +

[(TR x Added Trips) x 1/3]

Third twelve months: (TR x Baseline Trips) +

[(TR x Added Trips)x 2/3]

Fourth twelve months

and thereafter:

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(TR x Baseline Trips) + (TR x Added Trips)

For purposes of this formula, the term, "Trip Revenue" or "TR," shall mean the weighted average fare per trip determined by the department.

For purposes of this formula, the term, "Baseline Trips," shall mean the estimated number of transit trips taken by the contracting party's covered population of students, employees and/or others in the twelve months preceding execution of the flexpass agreement. Baseline Trips may be adjusted on an annual basis to account for changes in the number of eligible employees.

For purposes of this formula, the term, "Added Trips," shall mean those trips taken during the prior twelve months, determined either from surveys or electronic counting of actual flexpass use, which exceed the number of Baseline Trips established at the execution of the flexpass agreement. Electronic counts of one month or more will be annualized and used in lieu of survey results if available.

In the event a party terminates or does not renew a flexpass agreement, any subsequent flexpass agreement entered into with that party shall be priced as if in the "fourth twelve months and thereafter" category.

3. For annual pass agreements: the cost of the passes, the cost of issuing additional and replacement passes during the term of the agreement, the level of subsidy provided by the purchasing entity, a schedule of payments and an agreement term not to exceed one year. To be eligible for annual pass agreements, the purchasing entity must subsidize at least fifty percent of the cost of the passes and make the passes available to at least two hundred fifty employees. The cost of annual passes under such agreements shall

consist of the regular one- and two-zone rates set forth in this chapter less deductions, if any, based on the percentage difference between the department's "full time usage" estimate and the estimated actual pass usage of the purchasing entity's employees. A maximum deduction of fifty percent may be made from the regular one- and two-zone rates under such agreements.

NEW SECTION. SECTION 7. There is added to K.C.C. 28.94 a new section to read as follows:

Visitor Passes. The director is authorized to issue and sell visitor passes entitling the holders thereof to public transportation services as specified by the passes, provided such issuance is not expected to require the addition of regularly scheduled service. The director shall establish the rates of fare, the number of visitor passes and the extent of services available under said passes based on the estimated average visitor usage and the administrative costs of issuing the passes. Said passes may be valid for a period not to exceed seven consecutive days. The director is further authorized to issue and sell said passes to travel, convention and special event groups for quantities over one hundred at a rate that is not less than seventy percent of the established visitor rate. Visitor pass privileges shall commence and terminate on the date(s) for which the passes are valid.

<u>NEW SECTION. SECTION 8</u>. There is added to K.C.C. 28.94 a new section to read as follows:

Vanpool Fares. The director is authorized to establish rates of fare for vanpools, provided that the rates of fare are established at a level reasonably estimated to recover the operating and capital costs of, and at least twenty-five percent of the cost of administering, the vanpool program.

<u>NEW SECTION. SECTION 9</u>. There is added to K.C.C. 28.94 a new section to read as follows:

Limited Service Fares. The director is authorized to establish rates of fare for limited service to special or seasonal activities or events, provided such rates of fare and any contributions are established at a level reasonably estimated to recover at least twenty-five percent of the marginal cost for the service hours provided. In addition, the rates of fare for limited service shall be established at a level at least equal to the rates of fare for equivalent regularly scheduled service. If, however, the limited service is not equivalent to any regular service, then the rates of fare shall be no less than one-half of the one-zone, off-peak full fare set forth in this chapter. Such limited services shall be on an individual fare-paying basis and be scheduled according to such routes, schedules and dates as are determined by the director.

<u>NEW SECTION. SECTION 10</u>. There is added to K.C.C. 28.94 a new section to read as follows:

Customized Bus Service Fares. The director is authorized to establish rates of fare for customized bus service, provided such rates of fare are established at a level reasonably estimated to recover at least eighty percent of the marginal cost for the service hours provided. Such customized services shall be on an individual fare-paying basis and be regularly scheduled according to such routes, schedules and dates as are determined by the director. There shall be no zone fares charged on customized bus service. Passes held by senior citizens, persons with disabilities, and employees, and other special passes or permits may be honored on customized bus service insofar as consistent with overall cost recovery requirements set forth above. Transfers may be issued on customized bus service.

<u>NEW SECTION. SECTION 11</u>. There is added to K.C.C. 28.94 a new section to read as follows:

Animal Fares. The following procedure and rate of fare shall be used for animals riding on coaches. For small animals that do not occupy space other than the lap of the person accompanying the animal and for assistive animals, there shall be no fare charged. For all other animals, a fare equivalent to the fare paid by the individual accompanying the animal shall be charged and a transfer issued upon request except that no zone fare shall be charged. Animals riding on coaches shall be leashed or otherwise restrained and shall not pose a problem of health, injury to property or persons, or disturbance to other passengers.

NEW SECTION. SECTION 12. There is added to K.C.C. 28.94 a new section to read as follows:

Public School District Agreements. The executive is authorized to execute agreements with public school districts to supply students with passes in connection with special school programs; provided, that such agreements shall be subject to approval by the council.

NEW SECTION. SECTION 13. There is added to K.C.C. 28.94 a new section to read as follows:

Governmental Agency Ticket and/or Pass Agreements. The executive is authorized to execute agreements with local, state and federal governmental entities to provide tickets and/or passes to their employees or others traveling to their facilities at rates other than those set forth in this chapter; provided, that usage by such employees and others is not expected to require the addition of regularly scheduled public transportation services; provided further, that such agreements are not estimated to reduce the revenue

which would otherwise be received for such travel. Such agreements shall be subject to approval by the council to the extent such approval is required by the charter, ordinance and/or applicable state law.

NEW SECTION. SECTION 14. There is added to K.C.C. 28.94 a new section to read as follows:

Peace Officers Fares. Notwithstanding any other provision in this chapter, general authority Washington peace officers employed by a general authority Washington law enforcement agency with officers in King County may ride regularly scheduled public transportation services without payment of fare provided such officers are in uniform or display their police badge(s) to the transit operator.

<u>NEW SECTION. SECTION 15.</u> There is added to K.C.C. 28.94 a new section to read as follows:

Ride Free Services Agreements. The executive is authorized to execute agreements to provide ride free services within geographic areas; provided, that such agreements shall be subject to approval by the council.

NEW SECTION. SECTION 16. There is added to K.C.C. 28.94 a new section to read as follows:

Leasing of Transit Vehicles. For the lease of a transit vehicle of the county for charter operation by others, the minimum rental shall be the marginal cost per service hour of such vehicle's operation as established from time to time by the director plus ten percent thereof.

<u>NEW SECTION. SECTION 17</u>. There is added to K.C.C. 28.94 a new section to read as follows:

Interjurisdictional Trip Agreements. The executive is authorized to execute agreements with other transit agencies to establish a system of fare payment for passengers transferring between transportation systems or crossing jurisdictional boundaries; provided, that such agreements shall be subject to approval by the council to the extent such approval is required by the charter, ordinance and/or applicable state law. Such agreements shall provide that the county's share of the fare collected for an interjurisdictional trip shall be not less than ninety percent of the revenue which would have been generated by application of the appropriate cash fare or prorata pass price due under other provisions of this chapter for the county portion of the interjurisdictional trip.

<u>NEW SECTION. SECTION 18</u>. There is added to K.C.C. 28.94 a new section to read as follows:

Waiving or Discounting Fare or Pass Prices. For the purpose of attracting new ridership, relieving congestion, developing market strategies, testing prices or experimental service, and implementing other special transit programs or promotions, the director may waive or discount the fare or pass prices otherwise established in this chapter whenever such waiver or discount is not expected to require the addition of regularly scheduled public transportation services and, in the judgment of the director, the value of the program or promotion and the benefit to the public exceeds the expected loss of revenue. The loss in revenue of all such programs, promotions and fare discounts shall, in the aggregate, be no greater than \$350,000 annually.

NEW SECTION. SECTION 19. There is added to K.C.C. 28.94 a new section to read as follows:

included within paragraph A of this section or applicable employee bus pass provisions in K.C.C. 3.12. Such passes shall be restricted to use by the eligible employee and any unauthorized use shall, at a minimum, result in forfeiture of the pass. Such arrangements shall provide that the Public Transportation Operating Account shall be reimbursed for such passes. The price for such passes shall be established by the executive in accordance with the flexpass price formula set forth in this chapter. This provision shall only be implemented to the extent funds are appropriated by the council.

NEW SECTION. SECTION 21. There is added to K.C.C. 28.94 a new section to read as follows:

Regional Reduced Fare Permit Memorandum of Understanding. The executive is hereby authorized to execute and administer a Regional Reduced Fare Permit memorandum of understanding, substantially in the form of Exhibit A, attached to Ordinance 11640, with Puget Sound transit agencies and the Washington State Ferry System.

NEW SECTION. SECTION 22. There is added to K.C.C. 28.94 a new section to read as follows:

Regional Reduced Fare Permit Administrative Fee. The administrative fee for the regional reduced fare permit for seniors and disabled persons shall be three dollars.

NEW SECTION. SECTION 23. There is added to K.C.C. 28.94 a new section to read as follows:

Annual Reports on Services and Fares. The director shall submit annually to the council, by no later than the date on which the executive transmits the executive proposed

Provision of Tickets to Human Services Agencies. The director is authorized to establish a program for the sale and distribution of tickets to human service agencies at twenty-five percent of their cash value for the purpose of meeting the transportation needs of low income and homeless populations. The total amount of the seventy-five percent discount provided under such program shall not exceed \$300,000 for any one year. The allocation of discount tickets under such program shall be made by the director in conjunction with local jurisdictions and the county's department(s) responsible for human services programs. The local jurisdictions and said county department(s) shall determine the number of tickets from their respective allocations which shall be sold to the human service agencies eligible under such program. Tickets sold under such program are valid on all public transportation and paratransit service.

<u>NEW SECTION. SECTION 20</u>. There is added to K.C.C. 28.94 a new section to read as follows:

Bus Passes for County Employees. A. Subject to the provisions of Ordinance 12369, the executive is authorized to issue employee bus passes to employees in the Transit Division of the Department of Transportation, other employees whose responsibilities and functions are dedicated exclusively to supporting the public transportation function performed by King County, and persons who, while holding such positions, retire from the county. All bus passes shall be restricted to use by the eligible employee or retired employee and any unauthorized use shall, at a minimum, result in forfeiture of the pass.

B. The director is authorized to enter into and administer arrangements with directors of executive departments, chief officers of administrative offices, and

independently elected county officials to provide bus passes to county employees not included within paragraph A of this section or applicable employee bus pass provisions in K.C.C. 3.12. Such passes shall be restricted to use by the eligible employee and any unauthorized use shall, at a minimum, result in forfeiture of the pass. Such arrangements shall provide that the Public Transportation Operating Account shall be reimbursed for such passes. The price for such passes shall be established by the executive in accordance with the flexpass price formula set forth in this chapter. This provision shall only be implemented to the extent funds are appropriated by the council.

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Annual Reports on Services and Fares. The director shall submit annually to the council, by no later than the date on which the executive transmits the executive proposed

budget to the council, a report on the services and fares authorized by Section 2, and 1 Sections 6 through 20 of this chapter. 2 SECTION 24. Severability. The provisions of this ordinance shall be effective in 3 all cases unless otherwise provided by federal law. The provisions of this ordinance are 4 5 separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or other portion of this ordinance or the invalidity of the application thereof to any 6 person or circumstance shall not affect the validity of the remainder of this ordinance or the 7 validity of the application to other persons or circumstances. 8 INTRODUCED AND READ for the first time this $9^{7/2}$ day of 9 December, 1996. 10 PASSED by a vote of 7 to 6 this 10th day of February 11 1997. 12 KING COUNTY COUNCIL 13 KING COUNTY, WASHINGTON 14 15 16 ATTEST: 17 18 Clerk of the Council 19 APPROVED this 20 day of 4 bould no 20 21

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Attachments: None