



# King County

1200 King County  
Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Meeting Agenda

### Transportation, Economy, and Environment Committee

*Councilmembers:*  
*Rod Dembowski, Chair;*  
*Teresa Mosqueda, Vice Chair;*  
*Claudia Balducci, Jorge Barón, Pete von Reichbauer,*

*Lead Staff: Sherrie Hsu (206-477-7253)*  
*Committee Clerk: Angelica Calderon (206 477-7470)*

9:30 AM

Tuesday, July 16, 2024

Hybrid Meeting

Hybrid Meetings: Attend King County Council committee meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and/or provide public comment remotely are listed below.

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

**HOW TO PROVIDE PUBLIC COMMENT:** The Transportation, Economy and Environment Committee values community input and looks forward to hearing from you on agenda items.

There are three ways to provide public comment:

1. In person: You may attend the meeting and provide comment in the Council Chambers.
2. By email: You may comment in writing on current agenda items by submitting your email comments to [kcccomitt@kingcounty.gov](mailto:kcccomitt@kingcounty.gov). If your email is received before 8:00 a.m. on the day of the meeting, your email comments will be distributed to the committee members and appropriate staff prior to the meeting.
3. Remote attendance at the meeting by phone or computer: You may provide oral comment on current agenda items during the meeting's public comment period by connecting to the meeting via phone or computer using the ZOOM application at <https://zoom.us/join>, and entering the Webinar ID number below.

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711.</p> <p>Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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You are not required to sign up in advance. Comments are limited to current agenda items.

You have the right to language access services at no cost to you. To request these services, please contact Language Access Coordinator, Tera Chea at (206) 477 9259 or email Tera.chea2@kingcounty.gov by 8:00 a.m. at least three business days prior to the meeting.

**CONNECTING TO THE WEBINAR:**  
Webinar ID: 892 6924 2617

If you do not have access to the ZOOM application, you can connect to the meeting by calling 1 253 215 8782 and using the Webinar ID. Connecting in this manner, however, may impact your ability to be unmuted to speak.



**HOW TO WATCH/LISTEN TO THE MEETING REMOTELY:** There are several ways to watch or listen in to the meeting:

- 1) Stream online via this link: [www.kingcounty.gov/kctv](http://www.kingcounty.gov/kctv), or input the link web address into your web browser.
- 2) Watch King County TV Channel 22 (Comcast Channel 22 and 322(HD), Wave Broadband Channel 22)
- 3) Listen to the meeting by telephone – See “Connecting to the Webinar” above.

To help us manage the meeting, if you do not wish to be called upon for public comment please use the Livestream or King County TV options listed above, if possible, to watch or listen to the meeting.

To show a PDF of the written materials for an agenda item, click on the agenda item below.

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes** p. 5  
*Minutes of June 18, 2024 meeting.*
4. **Public Comment**

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## Consent

- 5. Proposed Motion No. 2024-0179 **p. 9**

A MOTION confirming the executive's appointment of Jesse Franklin, who resides in council district eight, to the King County priority hire advisory committee.

**Sponsors:** Mosqueda

*Mary Bourguignon, Council staff*

## Briefing

- 6. Briefing No. 2024-B0086 **p. 17**

Equitable Development Initiative Panel Discussion

*Charles Patton, Program Manager of Equity Policy and Initiative, Puget Sound Regional Council*  
*Jesse Warren, Housing and Policy Finance Lead Evaluator, Performance Measurement and Evaluation, DCHS*  
*Giulia Pasciuto, Strategic Advisor, Equity Development Division, City of Seattle*  
*Shiku Wainaina, Coalition Manager, Multicultural Community Coalition*

## Discussion and Possible Action

- 7. Proposed Ordinance No. 2024-0209 **p. 27**

AN ORDINANCE relating to King County's combined sewer overflow program and authorizing the King County executive to sign and fulfill the obligations in the First Material Modification to the 2013 Consent Decree with the United States Environmental Protection Agency and the Washington state Department of Ecology.



**Sponsors:** Dembowski

*Jennifer Giambattista, Council staff*  
*Faon O'Connor, CSO Control Manager, Wastewater Treatment Division, Department of Natural Resources and Parks*  
*Kamuron Gurol, Director, Wastewater Treatment Division, Department of Natural Resources and Parks*

- 8. Proposed Motion No. 2024-0212 **p. 95**

A MOTION relating to public restrooms at transit centers; acknowledging receipt of the Transit Public Restroom Initiative Report submitted in response to the 2023-2024 Biennial Budget Ordinance 19546, Section 114, Proviso P1, as amended by Ordinance 19633, Section 86, Proviso P1.

**Sponsors:** Dembowski

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*Mary Bourguignon, Council staff*

## Other Business

## Adjournment



Sign language and interpreter services can be arranged given sufficient notice (206-848-0355).  
TTY Number - TTY 711.  
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by a hearing aid when it is set to 'T' (Telecoil) setting.





# King County

1200 King County  
Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Meeting Minutes Transportation, Economy, and Environment Committee

*Councilmembers:*

*Rod Dembowski, Chair;  
Teresa Mosqueda, Vice Chair;  
Claudia Balducci, Jorge Barón, Pete von Reichbauer,*

*Lead Staff: Sherrie Hsu (206-477-7253)  
Committee Clerk: Angelica Calderon (206 477-7470)*

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**9:30 AM**

**Tuesday, June 18, 2024**

**Hybrid Meeting**

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**HOW TO PROVIDE PUBLIC COMMENT:** The Transportation, Economy and Environment Committee values community input and looks forward to hearing from you on agenda items.

The Committee will accept public comment on items on today's agenda in writing. You may do so by submitting your written comments to [kcccomitt@kingcounty.gov](mailto:kcccomitt@kingcounty.gov). If your comments are submitted before 8:00 a.m. on the day of the meeting, your comments will be distributed to the committee members and appropriate staff prior to the meeting.

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Dial: 1 253 215 8782  
Webinar ID: 892 6924 2617

To help us manage the meeting, please use the Livestream or King County TV options listed above, if possible, to watch or listen to the meeting.

1. **Call to Order**

*Chair Dembowski called the meeting to order at 9:30 a.m.*

2. **Roll Call**

**Present:** 5 - Balducci, Barón, Dembowski, Mosqueda and von Reichbauer

3. **Approval of Minutes**

*Councilmember Barón moved approval of the May 21, 2024 meeting minutes. There being no objections, the minutes were approved.*

**Consent**

4. **Proposed Motion No. 2024-0175**

A MOTION confirming the executive's appointment of the Honorable Amy Lam, councilmember, city of Sammamish, who resides in council district three, to the King County solid waste advisory committee, filling the local elected public official position.

**Sponsors:** Perry

**A motion was made by Councilmember Barón that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:**

**Yes:** 5 - Balducci, Barón, Dembowski, Mosqueda and von Reichbauer

5. **Proposed Motion No. 2024-0079**

A MOTION acknowledging receipt of the 2024 public benefit rating system report as required by the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 79, as amended by 19633, Section 58, Proviso P1.

**Sponsors:** Balducci

**A motion was made by Councilmember Barón that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:**

**Yes:** 5 - Balducci, Barón, Dembowski, Mosqueda and von Reichbauer

## Briefing

6. **Briefing No. 2024-B0072**

Metro General Manager Briefing

*Michelle Allison, Director, Metro Transit Department, briefed the Committee and answered questions from the members.*

**This matter was Presented**

## Discussion and Possible Action

7. **Proposed Motion No. 2024-0192**

A MOTION related to public transportation, approving the King County Metro Agency Safety Plan 2024, in accordance with the Federal Transit Administration's Public Transportation Agency Safety Plan regulations and the Bipartisan Infrastructure Law.

**Sponsors:** Dembowski

*Mary Bourguignon, Council staff, briefed the committee on the legislation and answered questions from the members. Rebecca Frankhouser, Chief Safety Officer, Metro Transit Department, was present to commented and answered questions from the members.*

*This item was expedited to the June 25, 2024 Council Agenda.*

**A motion was made by Councilmember Barón that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:**

**Yes:** 5 - Balducci, Barón, Dembowski, Mosqueda and von Reichbauer

## Briefing

### 8. Briefing No. 2024-B0073

Metro Zero Emission Work and Electrification Audit

*Mary Bourguignon, Council staff, briefed the committee and answered questions from the members. Ben Thompson, Audit Director, King County Auditor's Office, Luc Poon, Principal Management Auditor, King County Auditor's Office and Elise Garvey, Principal Management Auditor, King County Auditor's Office, were present to briefed the Committee via PowerPoint presentation and answered questions from the members.*

*Also present were Mark Ellerbrook, Director, Capital Division, Metro Transit Department and Huoi Trieu, Strategic Planning Manager II, Metro Transit Department to briefed the Committee via PowerPoint presentation and answered questions from the members*

**This matter was Presented**

### 9. Briefing No. 2024-B0074

Salmon Recovery Briefing

*Janne Kaje, Regional Partnerships Unit Supervisor, Water LRD, Department of Natural Resources & Parks (DNRP); Elissa Ostergaard, WRIA 7 Salmon Recovery Manager, WLRD, DNRP; Jason Mulvihill-Kuntz, WRIA 8 Salmon Recovery Manager, WLRD, DNRP; Alison Agness, Kokanee Recovery Manager, WLRD, DNRP; Matt Goehring, WRIA 9 Salmon Recovery Manager, WLRD, DNRP and Chris Gregersen, Environmental Scientist, WLRD, DNRP; and Jenee Colton, Water Quality Planner, Natural Resources & Parks, were present to briefed the Committee via PowerPoint presentation and answered questions from the members.*

*Renee Leichliter, Administrative Specialist, Natural Resources & Parks*

**This matter was Presented**

## Other Business

*There was no other business to come before the Committee.*

## Adjournment

*The meeting was adjourned at 11:43 a.m.*

Approved this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Clerk's Signature





**King County**

**Metropolitan King County Council  
Transportation, Economy and Environment Committee**

**STAFF REPORT**

<b>Agenda Item:</b>	5	<b>Name:</b>	Mary Bourguignon
<b>Proposed No.:</b>	2024-0179	<b>Date:</b>	July 16, 2024

**SUBJECT**

Proposed Motion 2024-0179 would confirm the Executive's appointment of Jesse Franklin to the King County Priority Hire Advisory Committee.

**SUMMARY**

In 2018, King County established the Priority Hire Program<sup>1</sup> to prioritize recruitment, apprenticeship, and employment opportunities on County public works construction projects of \$5 million or more. Eligible program participants include those who reside in “economically distressed areas” in the county.

The Priority Hire Advisory Committee (PHAC) was established<sup>2</sup> to advise the County’s Finance and Business Operations Division (FBOD) on the program's performance in serving economically disadvantaged communities; the program's impacts on minority- and women-owned business enterprises (MWBEs) and small contractors and suppliers (SCS); and recommendations for program adjustments.

Proposed Motion 2024-0179 would confirm the Executive’s appointment of Jesse Franklin, who resides in District 8, to a partial term on the PHAC, to expire on September 30, 2025.

**BACKGROUND**

**King County Priority Hire Program.** In January 2015, the City of Seattle established a priority hire program to train and hire underrepresented workers in the construction trades for City of Seattle public works construction projects with the goal of ensuring equity and eliminating disparities on City construction projects.<sup>3</sup>

In February 2015, the County mirrored the City’s action<sup>4</sup> by establishing the Economic Opportunity and Empowerment Program (EOEP) to ensure that the Children and Family

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<sup>1</sup> Ordinance 18672

<sup>2</sup> Ordinance 18672

<sup>3</sup> City of Seattle Ordinance 124690 [\[LINK\]](#)

<sup>4</sup> Ordinance 17973

Justice Center<sup>5</sup> capital project, a ballot initiative to build a new facility to replace the Youth Detention Center,<sup>6</sup> would include a diverse workforce. The EOEP supported the County’s design-build contractor’s goals of hiring and training people of color, women, veterans, and youth; and utilizing small contractors and suppliers. The County also established a community advisory board to support the development of an EOEP implementation plan.<sup>7</sup>

In May 2016, the Executive issued a directive to all County department directors to pilot a Priority Hire Program for large capital construction projects.<sup>8</sup> The EOEP implementation plan served as a guide for the pilot program.

In 2018, the County established the Priority Hire Program to prioritize recruitment, apprenticeship, and employment opportunities on County public works construction projects of \$5 million or more.<sup>9</sup> Eligible program participants include those who reside in “economically distressed areas” in King County. “Economically distressed areas” means the top 30% of all zip codes in the county in terms of the concentration of individuals who meet at least two of the following three criteria:

1. Have income at or below 200% of the federal poverty level;
2. Are unemployed; and
3. Are at least 25 years old without a college degree.

Zip codes in Pierce and Snohomish counties that have County wastewater construction projects may also be included for eligibility.<sup>10</sup>

The program is operated by the Finance and Business Operations Division (FBOD) within the Department of Executive Services (DES) and utilizes the Master Community Workforce Agreement, a pre-hire collective bargaining agreement signed by the County and labor organizations, to establish terms to support the program’s goals. These goals include percentage targets of priority hire workers for each construction project, apprenticeship goals, and diversity goals.<sup>11</sup>

**Priority Hire Program Performance.** The King County Code<sup>12</sup> requires the FBOD Director to submit a report to the Executive and Council summarizing the performance of the Priority Hire Program by April 30 each year. The most recent report, transmitted April 30, 2024, covers program performance in 2023.<sup>13</sup>

Figure 1 below shows a map of zip codes of priority hire worker residences in 2023. The adjacent bar graph indicates the number of priority hire workers that resided in each of the zip codes.

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<sup>5</sup> Renamed Judge Patricia H. Clark Children and Family Justice Center via Ordinance 18961

<sup>6</sup> Ordinance 17304

<sup>7</sup> 2016-RPT0028

<sup>8</sup> Executive Dow Constantine’s Memorandum to Department Directors, dated May 10, 2016. [\[LINK\]](#)

<sup>9</sup> Ordinance 18672

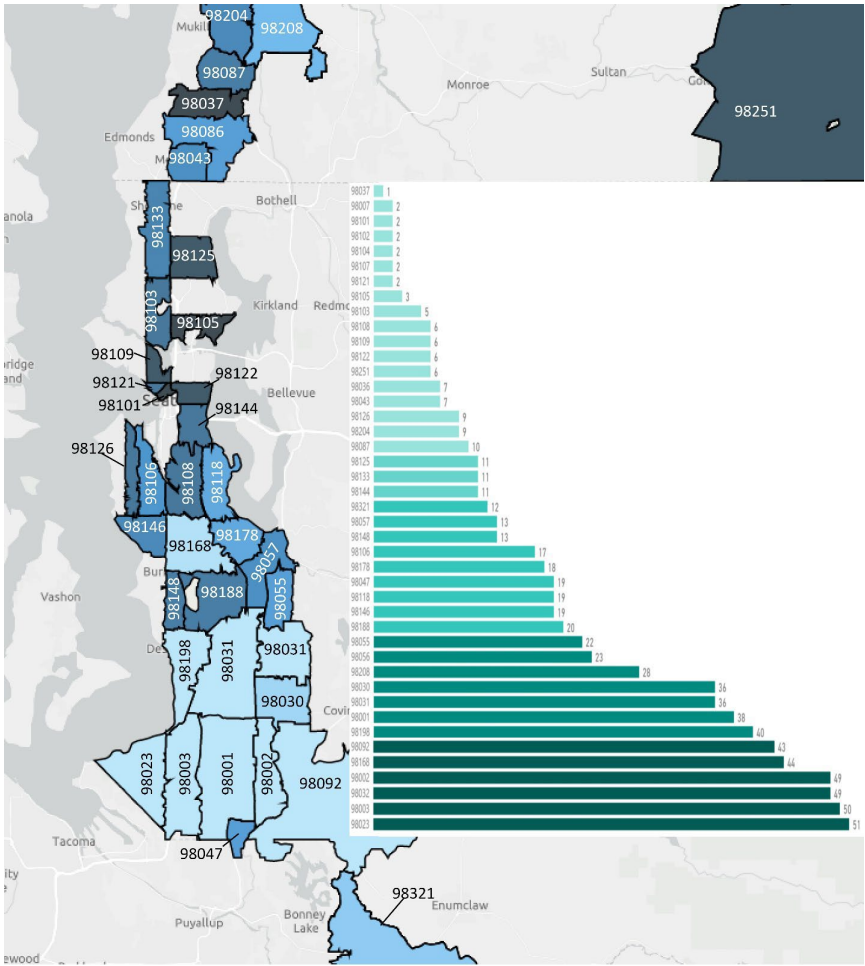
<sup>10</sup> K.C.C. 12.18A.010.G.

<sup>11</sup> Master Community Workforce Agreement Between King County and Seattle/King County Building and Construction Trades Council and Northwest National Construction Alliance II, signed 10/5/20. [\[LINK\]](#)

<sup>12</sup> K.C.C. 12.18A.050.B. and K.C.C. 12.16.175

<sup>13</sup> 2024-RPT0050

**Figure 1.**  
**Residential zip codes of priority hire workers in 2023.<sup>14</sup>**



The 2023 annual report also lists the projects active in 2023 that were subject to apprenticeship and priority hire requirements, as well as the number of priority hire workers. Overall, the number of apprentices, priority hire apprentices, and priority hire journey workers increased between 2022 and 2023, as Table 1, below, shows.

**Table 1.**  
**Total Number of Apprentices and Priority Hire Workers in 2023 vs 2022.<sup>15</sup>**

Category of Worker	Number of Workers, 2023	Number of Workers, 2022
Apprentice	842	590
Priority Hire – Apprentice	224	161
Priority Hire – Journey	853	618

<sup>14</sup> 2024-RPT0050 (2023 Apprenticeship and Priority Hire Program Annual Report) Figure 1. [\[LINK\]](#)

<sup>15</sup> 2024-RPT0050 (2023 Apprenticeship and Priority Hire Program Annual Report) Figure 1. [\[LINK\]](#)

**Priority Hire Advisory Committee (PHAC).** The PHAC was established<sup>16</sup> to advise on the program's performance in serving economically disadvantaged communities; the program's impacts on minority- and women-owned business enterprises and small contractors and suppliers; and recommendations on program adjustments. The PHAC was also required to provide input on the development of the Master Community Workforce Agreement.

The PHAC is to consist of eight to 12 members,<sup>17</sup> with a good faith effort made to include representatives with experience in the construction industry from contractors; the Associated General Contractors of Washington; labor union representatives; small contractor and supplier businesses; pre-apprentice and apprentice training providers; and local community or business organizations.

The PHAC is required to meet at least twice per year.<sup>18</sup>

## **ANALYSIS**

Proposed Motion 2024-0179 would confirm the Executive's appointment of Jesse Franklin, who resides in District 8, to a partial term on the PHAC, to expire on September 30, 2025.

Mr. Franklin is a Senior Finance Manager and Leader of the Valuation and Transaction Team for T-Mobile. He is also an Adjunct Professor at the Albers School of Business at Seattle University. He notes that, having navigated the challenges of working physical labor jobs through college, he understands the hurdles faced by many in the community. He states that his firsthand experience gives him a unique perspective and that his decade-plus experience in finance, accounting, valuations, mergers, and strategic investments will help him make meaningful contributions to the program.

## **ATTACHMENTS**

1. Proposed Motion 2024-0179
2. Transmittal Letter
3. Priority Hire Advisory Committee Board Profile

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<sup>16</sup> K.C.C. 12.18A.040.B

<sup>17</sup> K.C.C. 12.18A.040.A

<sup>18</sup> K.C.C. 12.18A.040.B



# KING COUNTY

## Signature Report

### ATTACHMENT 1

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

### Motion

**Proposed No.** 2024-0179.1

**Sponsors** Mosqueda

1                   A MOTION confirming the executive's appointment of  
2                   Jesse Franklin, who resides in council district eight, to the  
3                   King County priority hire advisory committee.  
4                   BE IT MOVED by the Council of King County:  
5                   The county executive's appointment of Jesse Franklin, who resides in council  
6                   district eight, to the King County priority hire advisory committee, for a partial term to

Motion

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7 expire on September 30, 2025, is hereby confirmed.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None



## King County

### Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800  
Seattle, WA 98104

**206-296-9600** Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

May 16, 2024

The Honorable Dave Upthegrove  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Motion confirming the appointment of Jesse Franklin, who resides in council district eight, to the King County Priority Hire Advisory Committee, for a partial term expiring September 30, 2025.

Mr. Franklin's application, financial disclosure, board profile, and appointment letter are enclosed to serve as supporting and background information to assist the Council in considering confirmation.

Thank you for your consideration of the proposed legislation. If you have any questions about this appointment, please have your staff call Rick Ybarra, Boards & Commissions Liaison, at 206-263-9651.

Sincerely,

Dow Constantine  
King County Executive

Enclosures

cc: King County Councilmembers  
ATTN: Stephanie Cirkovich, Chief of Staff  
Melani Hay, Clerk of the Council  
Karan Gill, Chief of Staff, Office of the Executive  
Penny Lipsou, Council Relations Director, Office of the Executive  
Rick Ybarra, Boards & Commissions Liaison, Office of the Executive  
Maurine Karichu, Staff Liaison  
Jesse Franklin

**PRIORITY HIRE ADVISORY COMMITTEE****DATE:** May 2024**TOTAL NUMBER OF MEMBERS:** 12**LENGTH OF TERM:** 3 Years

\* *King County seeks to create an inclusive and accessible process for individuals who wish to serve on a King County board or commission. We strive to ensure that King County boards and commissions are representative of the communities we serve.*

**BOARD MEMBERS APPOINTED**

<b>Pos.</b>	<b>Name</b>	<b>KCC District</b>	<b>Representing</b>	<b>Date Appointed</b>	<b>Term Expires</b>	<b>Number of Appointed Terms</b>
1	Mary Lerdahl	9	Construction Consultant	12/1/23	9/30/24	1 Partial
2	Monty Anderson	9	Labor	8/31/18	9/30/26	3 Full
3	Young-Sang Song	9	Construction Consultant	12/1/23	9/30/25	1 Partial
4	Dave Johnson	3	Contractor	12/1/23	9/30/24	1 Partial
5	Sonja Forster	4	AGC of Washington	8/31/18	9/30/26	3 Full
6	Drew Gibson	9	Contractor	12/1/23	9/30/25	1 Partial
7	Caroline Vidal	5	Labor	12/1/23	9/30/24	1 Partial
8	Karen Dove	7	Pre-Apprenticeship	8/31/18	9/30/26	3 Full
9	Leilanna Barrientes	7	Labor	12/1/23	9/30/24	1 Partial
10	Robin Strom	5	Contractor	12/1/23	9/30/24	1 Partial
11	Jesse Franklin	8	Business leadership	5/16/24	9/30/25	1 Partial
12	VACANT				9/30/24	

**BOARD MEMBERS APPOINTED**

<b>Pos.</b>	<b>Name</b>	<b>KCC District</b>	<b>Representing</b>	<b>Date Appointed</b>	<b>Term Expires</b>	<b>Number of Appointed Terms</b>
2	Monty Anderson	9	Labor	8/31/18	9/30/26	3 Full
5	Sonja Forster	4	AGC of Washington	8/31/18	9/30/26	3 Full
8	Karen Dove	7	Pre-Apprenticeship	8/31/18	9/30/26	3 Full
11	Jesse Franklin	8	Business leadership	5/16/24	9/30/25	1 Partial



Office of Planning and  
Community Development (OPCD)

# Equitable Development Initiative (EDI)



*Together we can leverage our collective resources to create communities of opportunity for everyone, regardless of race or means.*

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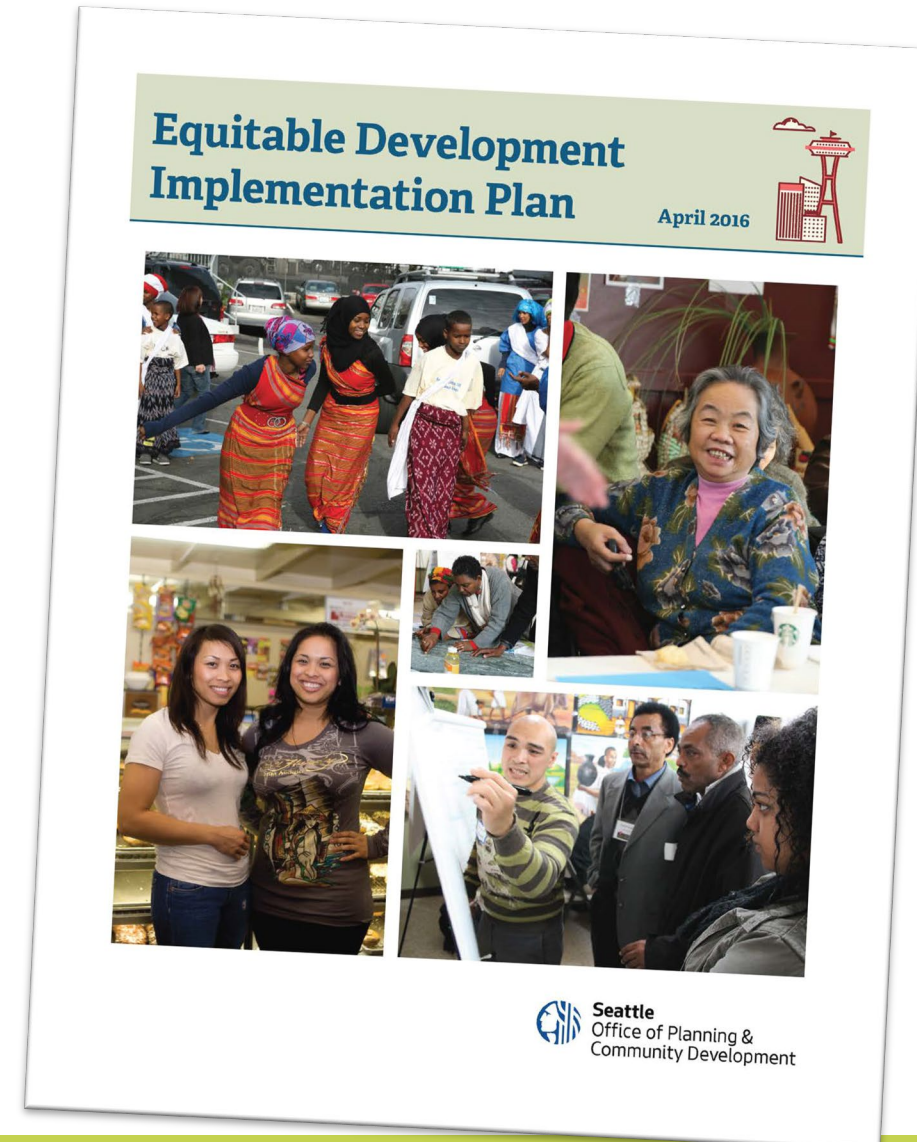
*King County Council – Transportation, Economy and Environment Committee  
July 16, 2024*

Giulia Pasciuto, EDI Strategic Advisor

# Seattle's Equitable Development Initiative

The City's Equitable Development Initiative (EDI) plays a crucial role in fostering equitable development in Seattle through community-based solutions, inclusive growth and anti-displacement strategies, and addressing disparities experienced by race, place, or other intersectionality.

- Today, EDI is guided by the [Equitable Development Implementation Plan](#) (EDIP) [Financial Investment Strategy](#), and [EDI Community Advisory Board](#).
- In 2024, EDI will begin a strategic planning effort (EDI 2.0) to update guiding documents and frameworks, originally created in 2016, to ensure alignment with evolving community and organizational needs.



# Community Leading the Work

## Equitable Development Initiative:

- Initiated through community advocacy, guided by EDI Board, RFP community review panel, and OPCD led.

## South Communities Organizing for Racial-Regional Equity (South CORE)

- Coalition of 21 community organizations working on a vision for community controlled and inspired development in the Rainier Valley (including Puget Sound Sage).

## Race and Social Equity Taskforce (RSET)

- Coalition formed to create, inform, and implement the Equitable Development Implementation Plan.



### The five initial EDI projects :

- Friends of Little Saigon Landmark Project
- William Grose Center for Cultural Innovation
- Southeast Economic Opportunity Center
- Rainier Valley Multicultural Community Center
- Rainier Beach Action Coalition Food Innovation District

# Equitable Development Framework: Strong People, Strong Communities

Strategies to achieve community stability and resilience in the face of displacement, and great neighborhoods with access by all:



Advance economic mobility and opportunity



Prevent residential, commercial, and cultural displacement



Build on local cultural assets



Promote transportation mobility and connectivity



Develop healthy and safe neighborhoods



Provide equitable access to all neighborhoods

# Equity Targeted Investments

## EDI Funding Categories:

- Capacity-building, site acquisition, and advancing development of major capital projects

## We exist to:

- Re-evaluate risk – EDI has served as critical first funder in the capital stack
- Position community accountable institutions as leaders in the development of their own neighborhood.
- Boost ownership and mitigate the high risk of social, economic, and cultural displacement in diverse and under resourced communities.

## Funding:

- **One-time initial funding**
  - \$16M - Civic Square Sale | \$42M - Mercer Megablock for Site Acquisitions
- **Ongoing funding from Payroll Expense Tax and Short-Term Rental Tax**
  - 2024 Adopted Budget: \$19.7M - JumpStart Payroll Expense Tax (PET) | \$5.1M Short-Term Rental Tax Fund | \$430,000 - Community Development Block Grant (CDBG)

# EDI Portfolio Investments by Year

The City has \$116.5 million (M) invested via EDI in 78 unique community-led, equitable development projects

2017	2018	2019	2020
<ul style="list-style-type: none"> <li>▪ <b>\$6,035,500 M</b> <ul style="list-style-type: none"> <li>➤ By Ordinance                             <ul style="list-style-type: none"> <li>• 5 Awards / 5 Projects</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>\$7,624,405 M</b> <ul style="list-style-type: none"> <li>➤ EDI RFP Cycle 1                             <ul style="list-style-type: none"> <li>• 14 Awards / 14 Projects</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>\$5,802,700 M</b> <ul style="list-style-type: none"> <li>➤ EDI RFP Cycle 2                             <ul style="list-style-type: none"> <li>• 17 Awards / 17 Projects</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>\$10,720,602 M</b> <ul style="list-style-type: none"> <li>21 Total EDI + 36 Covid Awards                             <ul style="list-style-type: none"> <li>➤ - EDI RFP Cycle 3, \$8,940,000 M, 21 Awards / 21 Projects</li> <li>➤ - COVID Relief Grants, \$1,780,602 M, 36 Organizations Awarded</li> </ul> </li> </ul> </li> </ul>
2021	2022	2023	
<ul style="list-style-type: none"> <li>▪ <b>\$44,532,837 M</b> <ul style="list-style-type: none"> <li>35 Total EDI + SIF Projects, 3 Projects both SIF and EDI                             <ul style="list-style-type: none"> <li>➤ - EDI RFP Cycle 4, \$16,635,907 M / 26 Awards</li> <li>➤ - Strategic Investment Fund, \$27,896,930 M / 12 Awards</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>\$18,588,526 M</b> <ul style="list-style-type: none"> <li>22 Awards / 21 Projects                             <ul style="list-style-type: none"> <li>➤ Awarded via EDI RFP Cycle 5</li> <li>➤ - 1 Award Cancellation – did not meet program requirements</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>\$23,207,651 M</b> <ul style="list-style-type: none"> <li>34 Total Awards / 31 Projects , 3 Projects both Winter + Summer                             <ul style="list-style-type: none"> <li>➤ - EDI RFP Cycle 6 (Winter), \$13,550,000 M / 14 Awards</li> <li>➤ - EDI RFP Cycle 6 (Summer), \$9,582,651 M / 20 Awards</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Annual award amounts often reflect multiple funding sources.</li> <li>• Some projects receive more than one award type each year.</li> <li>• Some projects receive funding across multiple years.</li> <li>• ~\$4M in project transfers to other departments account for difference between \$116,436,539 in EDI awards retained and \$120,441,439 total equitable development funds allocated.</li> </ul>

# Project Profile – Rainier Beach Action Coalition Food Innovation Center

## Funding History:

- Total of \$4.8M invested in acquisition, capacity-building, and site improvements.
- Acquisition completed, now in construction.

## Community Center Features:

- Job centers and shared work areas
- Commercial kitchen and community gathering spots
- Apartments/offices on upper floors
- Early childhood development spaces
- Nearby horticultural becomes an urban farm

## Challenges and Solutions

- Speculative development around Light Rail
- Site acquisition challenges



# Friends of Little Sài Gòn Landmark Project Profile

Friends of Little Sài Gòn envisions a community-owned gathering space offering affordable housing, affordable commercial space, and a cultural center serving the needs of primarily displaced Vietnamese and Southeast Asian communities. Each component of the development will reflect Vietnamese Americans' rich culture, history, and future.

## Funding History:

- Initial EDI allocation of \$1.6 million in 2017
- Additional \$5 million awarded in 2022 for property acquisition
- Land acquisition completed - currently fundraising housing dollars

## Feasibility Study:

- \$160,000 for a feasibility study by SCIDpda identifying potential project locations

## Capacity-Building Support:

- 6 years of capacity-building to sustain staff advancing the project

## Challenges and Solutions:

- Methodical options exploration, overcoming challenges like price and site issues
- Funding round in 2022 facilitated negotiations and property acquisition

## Success Factors:

- Consistent capacity-building and initial investment crucial for successful offer





# Central District: Comprehensive Multi-Project Investments

Central District experienced significant displacement of the historic Black community. Between 1960 and 2010, the Black population in the CD dwindled from 80% to just 10% due to rising housing and land costs, public and private disinvestment, predatory lending, and increase in desirability of the neighborhood due to proximity to jobs and transit centers.

## Projects Funded:

- Africatown Community Land Trust: Midtown Square, William Grose Center
- Arte Noir
- Wa Na Wari
- Central Area Senior Center
- Byrd Barr Place
- Central Area Youth Association
- Eritrean Community in Seattle and Vicinity
- First AME Housing Association
- New Hope Community Development Institute



William Grose Center



Arte Noir



Byrd Barr Place

Have seen a resurgence and stabilizing of Black community and cultural institutions resulting from community leading and owning the redevelopment of the Central District, EDI is proud to support this collective effort.



# Questions?

Giulia Pasciuto, EDI Strategic Advisor and Project Manager



**King County**

**Metropolitan King County Council  
Transportation, Economy, and Environment Committee**

**STAFF REPORT**

<b>Agenda Item:</b>	7	<b>Name:</b>	Jenny Giambattista
<b>Proposed No.:</b>	2024-0209	<b>Date:</b>	July 16, 2024

**SUBJECT**

An ordinance relating to King County's combined sewer overflow program and authorizing the King County executive to sign and fulfill the obligations in the First Material Modification to the 2013 Consent Decree with the United States Environmental Protection Agency and the Washington State Department of Ecology.

**SUMMARY**

In 2013, the King County Council authorized the execution of the 2013 Consent Decree<sup>1</sup> with the Washington State Department of Ecology (Ecology) and the United States Environmental Protection Agency (EPA) for Combined Sewer Overflow (CSO). The 2013 Consent Decree obligates the County to complete its CSO control program through the implementation of a series of CSO control projects by December 31, 2030.

In mid-2024, King County, Ecology, and the EPA reached agreement in principle on the First Material Modification to 2013 Consent Decree on Combined Sewer Overflow (CSO). Proposed Ordinance 2024-0209 would authorize King County to enter into the First Material Modification to the 2013 Consent Decree with EPA and Ecology.

The First Material Modification extends the compliance milestones for the remaining CSO control projects and extends the overall compliance schedule from 2030 to 2037. Additionally, the First Material Modification updates design criteria for future projects, obligates the County to complete a sewer system optimization study with Seattle, updates reporting requirements, clarifies post-construction monitoring periods, and clarifies flexibility to change design specifications for future projects. Seattle has reached a similar modification of its consent decree. A completion date of 2037 is anticipated to increase the currently proposed rate forecast by approximately seven percent by the end of the forecast rate period.

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<sup>1</sup> Ordinance 17514

## **BACKGROUND**

**Combined Sewer Overflow (CSO).** Combined sewer overflows are discharges of untreated or partially treated sewage and stormwater released directly into marine waters, lakes, and rivers during heavy rainfall when the sewers have reached their capacity. Although the sewage in CSOs is greatly diluted by stormwater, both CSOs and stormwater may be harmful to public health and aquatic life because they carry chemicals and disease-causing pathogens.

From the late 1800s through the 1940s, engineers designed combined sewers (sewers that carry sewage and stormwater runoff in a single pipe) to convey sewage, horse manure, street and rooftop runoff, and garbage from city streets to the nearest receiving body of water. Combined sewers exist in many parts of older cities, including Seattle. Around the 1950s, most sewer systems were built as separated systems (sewage in one pipe; stormwater in another pipe). In the late 1950s, treating wastewater became the standard. Interceptor pipes were built to transport all wastewater (from either combined or separated systems) to treatment plants.

The vast majority of flows from the County's combined sewer system go to West Point or one of five County wet weather stations for treatment before discharge. During heavy storms, however, untreated combined flows that exceed the capacity of sewers, storage facilities, and treatment plants discharge through CSO outfalls to Elliott Bay, Puget Sound, the Duwamish River, Lake Union, the Lake Washington Ship Canal, and Lake Washington. These CSOs serve as a safety valve in preventing sewer backups into homes and businesses.

Both King County and the City of Seattle manage CSOs within Seattle. King County's Wastewater Treatment Division manages 38 locations and Seattle Public Utilities manages 82 CSO locations. King County also has five CSO wet weather treatment plants.

**Clean Water Act and CSO Control Planning and Implementation.** The federal Clean Water Act was adopted in 1972. Its objective is to restore and maintain the integrity of the nation's waters with two primary goals: eliminating discharges of pollutants into the nation's waters and achieving/maintaining swimmable and fishable waters. The Clean Water Act requires all wastewater treatment facilities and industries that discharge effluent into surface waters to have a National Pollutant Discharge Elimination System (NPDES) permit. The Washington State Department of Ecology (Ecology) issues the permit as a vehicle for setting limits on the quality and quantity of effluent discharged from point sources such as treatment plants, CSOs, and industrial facilities.

CSO control is required by the federal Clean Water Act and Washington state law.<sup>2</sup> "Control" means reducing the number of untreated overflows from each permitted CSO location to the Washington state standard of once per year based on a 20-year moving

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<sup>2</sup> Washington state law for Water Pollution Control can be found in [Chapter 90.48 RCW](#).

average. Any additional discharge events or discharges from unpermitted locations are unauthorized discharges in violation of Clean Water Act and NPDES permit conditions.

**2013 Consent Decree.** Based on a 2004 report to Congress noting the lack of progress in many communities, the EPA stepped up its efforts in nearly all major metropolitan areas that have combined sewer systems to ensure that long-term control plans were being implemented. The EPA systematically audited and then enforced compliance across the country via consent decrees which mandate CSO control actions.

In 2013, the EPA and Ecology filed a lawsuit alleging King County violated Sections 301 and 402 of the Clean Water Act and the conditions and limitations of the County's West Point Treatment Plant National Pollutant Discharge Elimination System (NPDES) permit issued to the County by Ecology.<sup>3</sup> The alleged violations related to the quality of the effluent released from CSO wet weather treatment stations that act as satellite treatment plants to the West Point Treatment Plant (West Point) and multiple unauthorized discharges from King County's combined sewer system. In response, King County entered into a Consent Decree with EPA and Ecology.<sup>4</sup> The King County Council approved Ordinance 17514, authorizing the King County Executive to execute the federal CSO Consent Decree, which took effect in July 2013.

The overall goal of the 2013 Consent Decree is to ensure that combined sewer overflows at King County's outfalls occur on average only once per year based on a rolling 20-year average and that the effluent discharged from CSO control treatment plants meet prescribed standards. The 2013 Consent Decree obligates King County and the Department of Natural Resources and Parks (DNRP), through its Wastewater Treatment Division (WTD), to complete a series of CSO control projects by 2030.<sup>5</sup> The projects listed in the 2013 Consent Decree were based on WTD's 2012 Long-term CSO Control Plan Amendment approved by King County in September 2012 (Ordinance 17413). In addition, the 2013 Consent Decree directed the following:

1. Implementation of CSO control projects already in design prior to the Consent Decree,
2. Improvements in operations of existing CSO wet weather treatment stations to meet effluent standards,
3. Reporting regarding progress towards the Consent Decree objectives, post-construction monitoring, etc.,
4. Dispute resolution procedures, and
5. Stipulated penalties for non-compliance.

The 2013 Consent Decree also directed King County to pay a \$400,000 civil penalty split between EPA and Ecology. The City of Seattle (Seattle) entered into a separate

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<sup>3</sup> The [Clean Water Act](#) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.

<sup>4</sup> The EPA's lawsuit related to violations of the Clean Water Act was part of a national enforcement strategy to compel the completion of CSO control and water quality improvements across the country.

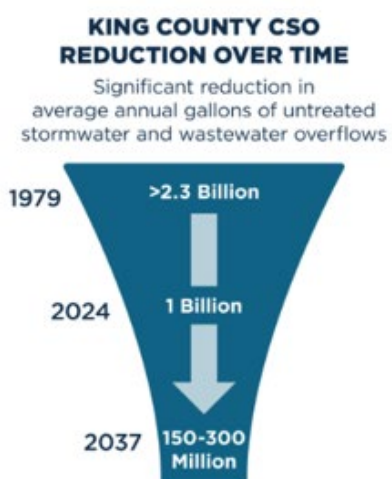
<sup>5</sup> The 2013 consent decree is filed in the United States District Court for the Western District of Washington under [Case 2:13-cv-00677-JCC](#).

Consent Decree in July 2013, to address alleged Clean Water Act violations associated with discharges from Seattle’s CSOs.

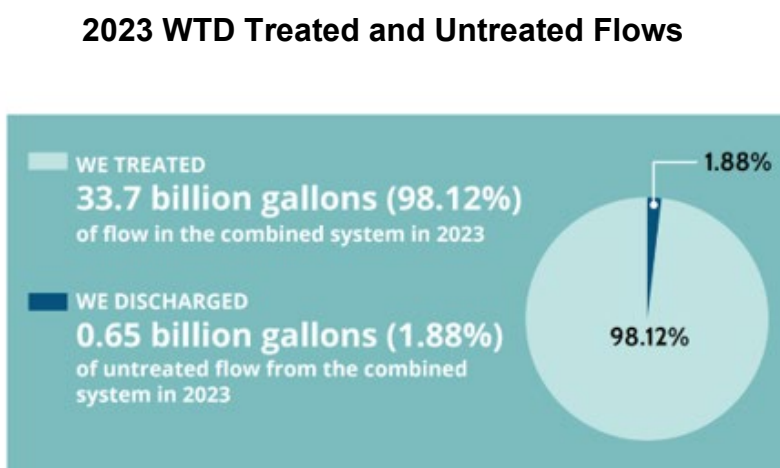
In 2016, a federal court approved a non-material modification to the 2013 Consent Decree. The non-material modification enabled the County to combine two of its projects with three Seattle projects into a single joint-project, known as the Ship Canal Water Quality Project.<sup>6</sup>

**Progress to date on CSO Control.** Through independent and joint efforts, King County and Seattle have reduced the annual volume of untreated CSOs discharged to local waterbodies. Since the CSO control program began in the early 1980s, King County has invested more than \$1 billion to reduce the average CSO discharge volume from an estimated 2.3 billion gallons to approximately one billion gallons per year.<sup>7</sup> For context, Figure 2, shows the total amount of treated wastewater in 2023 versus the number of untreated gallons of flow in 2023.

**Figure 1**



**Figure 2**



The locations of the completed, current, and future CSO projects are shown in Figure 3.

<sup>6</sup> The 2016 non-material modification is filed under the same case number as the 2013 consent decree and can be found [here](#). More information about the Ship Canal Water Quality project can be found [here](#).

<sup>7</sup> This represents investments made through September 2023.

**Figure 3**  
**Status of King County Combined Sewer Overflow (CSO) Projects Required by Consent Decree**



## **ANALYSIS**

Proposed Ordinance 2024-0209 would authorize the Executive to enter into the First Material Modification to the Consent Decree to the 2013 Consent Decree with EPA and Ecology.

**Proposed First Material Modification to Consent Decree.** Due to changed conditions since the signing of the 2013 Consent Decree, in 2019 King County and Seattle requested to enter negotiations with EPA and Ecology to modify their respective Consent Decrees. The primary changed condition was an unexpected increase in CSO volumes for the remaining future projects, due in part, to climate change impacts on storm patterns. Increased control volumes require increased anticipated project sizes and complexities, which were projected to cause implementation costs that were significantly greater than expected in the 2013 Consent Decree. These changed conditions affect the County's ability to complete the 2013 Consent Decree compliance program by 2030. Additional changed conditions include:

- Anticipated regulatory requirements for nutrient discharges to Puget Sound,<sup>8</sup>
- Increasing need to invest in aging wastewater equipment and facilities,
- Preparation of a new long-term strategic plan for the regional wastewater system,
- Coordination with Seattle, and
- Rate affordability challenges to meet all obligations by 2030.

One example that illustrates the larger and more expensive projects is the West Duwamish project. In the 2013 Consent Decree, the West Duwamish project was described as a .32MG (million gallon) tank, which was estimated to cost \$14.8 million in 2010 dollars. The proposed modification describes a 1.25MG tank, estimated to cost \$100 million (in 2022 dollars). A comparison of the 2013 Consent Decree project criteria and milestones with the modified criteria and milestones can be found in Tables 2 and 3 of Attachment 4.

The negotiations between King County, EPA, and Ecology resulted in proposed modifications to address the changed conditions and other coordination, procedural, and reporting requirements that will enhance water quality improvements and ease implementation. There are twenty proposed modifications to the 2013 Consent Decree. The most significant changes as reported by WTD are bolded and explained in more detail in Attachment 4.

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<sup>8</sup> The Puget Sound Nutrient General Permit was issued to the County on December 1, 2021. The new permit focuses on controlling discharges of excess nutrients – particularly nitrogen – to Puget Sound from domestic wastewater treatment plants. The Puget Sound Nutrient General Permit conditions apply to the County's three regional wastewater treatment plants and the Vashon Treatment Plant.



### **Proposed Modifications to the 2013 CSO Decree**

1. Elements of the 2013 consent decree (CD) that are not explicitly changed in this modification will still apply.
2. **Extends the overall compliance deadline from December 31, 2030 to December 31, 2037.**
3. Performance criteria are now defined in Paragraph 9 (Definitions) instead of within Appendix B.
4. Streamlines the definition of “Twenty-Year Moving Average” without changing the substance and clarifies that either a Long-term Control Plan or Engineering Report may confirm the most appropriate model to use to calculate the average.
5. Adds definition to clarify the meaning of “optimization” as it is used in new requirements such as the Coordinated Optimization Evaluation.
6. Updates original definition by replacing “Facility Plans” with “engineering reports.” Clarifies that the monitoring window to confirm wet weather treatment station compliance begins the October following construction completion; adds Georgetown Wet Weather Treatment Station to the list of facilities; and clarifies the deadline to submit a Supplemental Compliance Plan if needed.
7. **Clarifies that the monitoring window to confirm wet weather treatment station compliance begins the October following construction completion; adds Georgetown Wet Weather Treatment Station to the list of facilities; and clarifies the deadline to submit a Supplemental Compliance Plan if needed.**
8. **Extends the monitoring window for wet weather storage projects (period to demonstrate the facility meets the control standard) from “one year” to “two complete wet seasons” and clarifies the deadline to submit a Supplemental Compliance Plan if needed.**
9. **Allows for streamlining of administrative process if reporting is required for CD supplemental Compliance and NPDES permit corrective actions, such that a single submittal can satisfy both requirements.**
10. Clarifies the process to revise the projects in Appendix B.
11. **Extends the schedule for Joint Plan updates from deadlines every 3 years to deadlines every 5 years. Adds commitment for the County’s Wastewater Treatment Division (WTD) and Seattle Public Utilities (SPU) to engage in a Coordinated Optimization Evaluation as part of the next update of the Joint Plan. This evaluation will look for ways to optimize systems and will inform the respective agencies’ CSO planning efforts.**
12. Confirms that the CSO Annual Report will report on the 20-year moving average for each outfall. (Note this is already done.)
13. Adds Georgetown to the list of weather treatment stations. Adds additional penalties that would apply to exceedance of parameters defined in the West Point NPDES permit for each wet weather treatment station.
14. Adds the Coordinated Optimization Evaluation to the description of Appendix D.
15. Indicates that the outfall status listed in Appendix A was accurate as of 2012 and should be labeled as such.

- 16. Re-sequences the remaining projects to construct Mouth of Duwamish projects before the University and Montlake projects. Replaces Appendix B with an updated table of projects and milestones.**
17. A,B,C acknowledge that WTD and SPU have completed the 2013 requirements to develop a Joint Plan and that the agencies continue to work together to ensure each system performs well without negatively affecting the other.
- 17D extends the schedule for Joint Plan updates from deadlines every 3 years to deadlines every 5 years.**
- 17E Adds a commitment for WTD and SPU to complete a Coordinated Optimization Evaluation to conduct a joint effort to look for opportunities to strategically remove stormwater from the combined system, take advantage of system capacities in a more effective way, and/ or leverage operational strategies and technologies that improve system performance.**
- A summary report will be due March 1, 2027 along with the existing deadline for the Joint Plan update. Note this optimization evaluation is an extension of past voluntary WTD/SPU collaborations that similarly assessed optimization opportunities.

**Cost and Rate Impacts.** The planning-level project cost estimate to complete the remaining CSO control projects is approximately \$3.3 billion in 2022 dollars, though the total costs may range between \$1.7 billion to \$4.9 billion in 2022 dollars. WTD reports that the uncertainty of estimating so far ahead of project delivery necessitates a larger range estimate. Most of the estimates in the table are still early in early planning and this category of estimate can have a range of -50% to +150%. Once a project is defined and baselined, the uncertainty associated with estimating narrows dramatically. Additionally, WTD reports the estimate uses 2022 dollars to be consistent with the negotiation process the memo was developed to document. This \$3.3 billion estimate is based on the following project estimates:

**Table 1  
Projects within the Cost Estimate**

<b>Project</b>	<b>Project Estimate in Millions (2022\$)</b>
Joint Ship Can Water Quality Project	\$200 (King County share only) <sup>9</sup>
West Duwamish (W. Michigan St./Terminal 115)	\$100
Mouth of Duwamish (Chelan Ave./Hanford #2/Lander St./Kingdome/King St.)	\$1,500 <sup>10</sup>
University	\$670 <sup>10</sup>
Montlake	\$420 <sup>10</sup>
Supplemental Compliance	\$5/year <sup>10</sup>
Elliott West Wet Weather Treatment Station Upgrade	\$330 <sup>11</sup>

*Rate Impact.* More than half of these cost estimates fall within the next 10 years of capital spending and are already included in the recently proposed 10-year sewer rate forecast under an assumption of a 2040 completion date. As part of the 2026 rate development process and WTD’s efforts to develop a long-term rate forecast as requested by Motion 16449, WTD will forecast how the rate impact of moving to a 2037 completion date could be spread out over the forecast period. Currently, as shown in Figure 4, the new completion date of 2037 would increase the forecasted monthly rate in 2034 by approximately seven percent. (Figure 4).

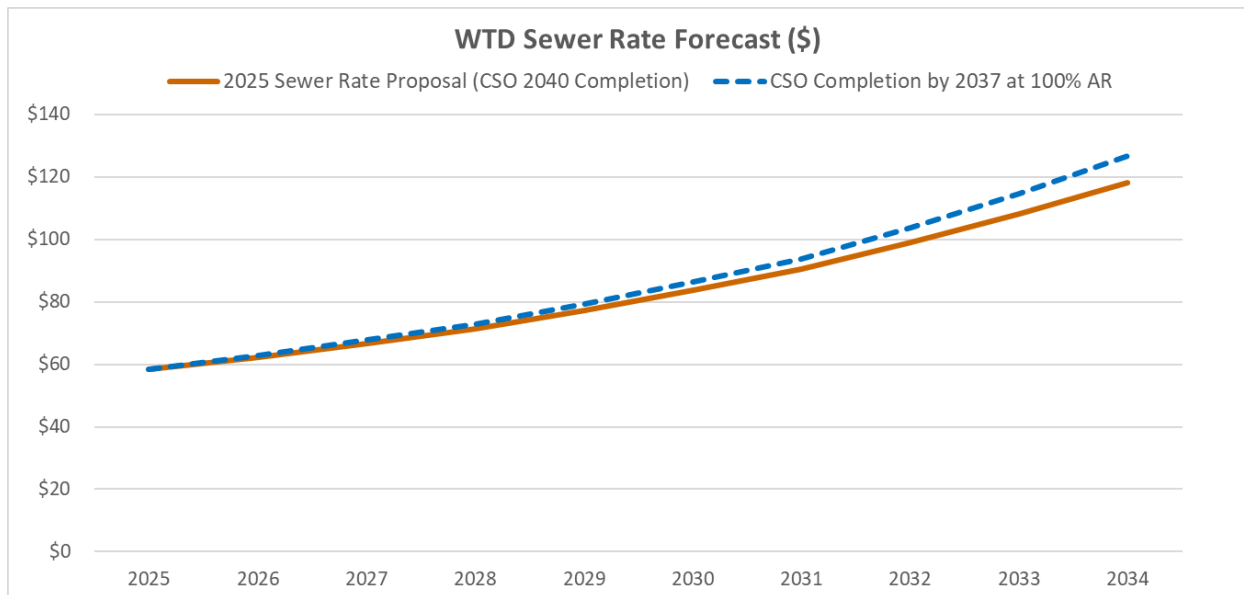
<sup>9</sup> Extends the monitoring window for wet weather storage projects (period to demonstrate the facility meets the control standard) from “one year” to “two complete wet seasons” and clarifies the deadline to submit a Supplemental Compliance Plan if needed.

<sup>10</sup> Project estimates are Association for the Advancement of Cost Engineering (AACE) Class 10 cost estimates with a high degree of uncertainty. Project estimates will be refined as the projects proceed through predesign, design, and construction.

<sup>11</sup> The Elliott West Wet Weather Treatment Station Upgrade is not a consent decree project but is required under the draft West Point Treatment Plant NPDES permit. It is included with the remaining consent decree projects to understand CSO related project costs on the 10-year rate forecast.

**Figure 4**

**Sewer Rate Forecast of 2040 CSO Completion v. 2037 CSO Completion**



**Next Steps.** Once adopted by the King County Council and signed by the Executive, the First Material Modification to the 2013 Consent Decree will be lodged in federal court where a federal court judge will review the terms, allow for interested parties to comment during a comment period, and may enter the decree as final, provided all parties agree to its terms. After the First Material Modification is entered by the court, changes to the consent decree must be approved by the court.<sup>12</sup>

**INVITED**

- Kamuron Gurol, Director, Wastewater Treatment Division, Department of Natural Resources and Parks
- Faon O’Connor, Combined Sewer Overflow Manager, Wastewater Treatment Division, Department of Natural Resources and Parks

**ATTACHMENTS**

1. Proposed Ordinance 2024-0209 (and its attachment(s))
2. Transmittal Letter
3. Fiscal Note

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<sup>12</sup> The proposed modified consent decree has some provisions for flexibility. Some of the decision-making for these changes is at the discretion of EPA and Ecology, beyond a certain threshold the court would need to approve the changes.

4. Overview of the Proposed Combined Sewer Overflow First Material Modification to the 2013 Consent Decree Between King County, Washington State Department of Ecology, and United States Environmental Protection Agency
5. Combined Sewer Overflow Consent Decree Modification PowerPoint



# KING COUNTY

## Signature Report

### Ordinance

**ATTACHMENT 1**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Proposed No.** 2024-0209.1

**Sponsors** Dembowski

1 AN ORDINANCE relating to King County's combined  
2 sewer overflow program and authorizing the King County  
3 executive to sign and fulfill the obligations in the First  
4 Material Modification to the 2013 Consent Decree with the  
5 United States Environmental Protection Agency and the  
6 Washington state Department of Ecology.

7 **STATEMENT OF FACTS:**

- 8 1. King County protects water quality and prevents water pollution by  
9 providing wastewater treatment for thirty-four local sewer utilities. The  
10 wastewater treatment division of the department of natural resources and  
11 parks serves about two million people, covering four hundred twenty-four  
12 square miles, including most urban areas of King County and parts of  
13 south Snohomish County and northeast Pierce County.
- 14 2. Around twenty percent of the county's service area has combined  
15 sewers, all located in the city of Seattle. The county has five combined  
16 sewer overflow treatment facilities and thirty-eight combined sewer  
17 overflow outfalls, which are permitted under the National Pollutant  
18 Discharge Elimination System permit WA-002918-1.

19           3. The United State Environmental Protection Agency and the  
20           Washington state Department of Ecology have alleged that the county  
21           violated sections 301 and 402 of the Clean Water Act, 33 U.S.C. Sections  
22           1311 and 1342, and the conditions and limitations of its National Pollutant  
23           Discharge Elimination System permit issued by the Washington state  
24           Department of Ecology.

25           4. In response, the parties negotiated a consent decree, which was  
26           approved in Ordinance 17514 in 2013. The approved consent decree was  
27           entered in Civil Action No. 2:13-cv-677, on July 3, 2013, to settle the  
28           litigation between the parties.

29           5. The parties entered into the Agreed Non-Material Consent Decree  
30           Modification to the consent decree on October 25, 2016, and filed such  
31           with the United States District Court for the Western District of  
32           Washington, authorizing the county to select a joint combined sewer  
33           overflow project with the city of Seattle to control two of the county's  
34           outfalls.

35           6. On October 28, 2019, the county formally requested that United State  
36           Environmental Protection Agency and the Washington state Department  
37           of Ecology agree to modify the consent decree due to several changed  
38           conditions including, but not limited to, increases in combined sewer  
39           overflow volumes requiring control due, in part, to climate change,  
40           resulting in project sizes, complexities, and implementation costs that  
41           were significantly greater than expected.

42           7. The parties entered into a Modification to Allow Electronic Reporting  
43           to the consent decree on May 9, 2023, not filed with the United States  
44           District Court for the Western District of Washington, authorizing the  
45           county to provide notifications, submissions, or other communications  
46           required by the consent decree by email or mail, with a preference for  
47           email.

48           8. The parties have negotiated the First Material Modification to the 2013  
49           Consent Decree in Attachment A to this ordinance in good faith.

50           9. The First Material Modification to the 2013 Consent Decree constitutes  
51           a material change to the consent decree that requires United States District  
52           Court for the Western District of Washington approval under paragraph  
53           104 of the consent decree.

54           10. King County, without admitting liability, agrees with the United State  
55           Environmental Protection Agency and Washington state Department of  
56           Ecology that the First Material Modification to the 2013 Consent Decree  
57           is fair, reasonable, and in the public interest.

58           11. The First Material Modification to the 2013 Consent Decree updates  
59           the remaining individual project sizes and descriptions to ensure the  
60           county will build projects that achieve Clean Water Act requirements,  
61           updates the critical milestones for each project, and extends the deadline to  
62           complete all combined sewer overflow projects from 2030 to 2037.

63           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:



64            SECTION 1. The King County council hereby approves the First Material  
65 Modification to the 2013 Consent Decree, as presented in Attachment A to this  
66 ordinance, and authorizes the King County executive to sign and fulfill the county's  
67 obligations contained in the First Material Modification to the 2013 Consent Decree.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. First Material Modification to Consent Decree

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA	)	
	)	
and	)	
	)	
THE STATE OF WASHINGTON,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 2:13-cv-677
v.	)	
	)	
KING COUNTY, WASHINGTON	)	
	)	
Defendant.	)	
	)	

**FIRST MATERIAL MODIFICATION TO CONSENT DECREE**

WHEREAS, the United States of America (“United States”), the State of Washington (“the State”), and King County, Washington (“the County”) are Parties to the Consent Decree entered by this Court on July 3, 2013 (ECF No. 6);

WHEREAS, the Parties entered into a Non-Material Modification to the Consent Decree on October 25, 2016, and filed such with the Court, authorizing the County to select a joint combined sewer overflow (“CSO”) project with the City of Seattle (“the City”) to control two of the County’s outfalls (ECF No. 7);

WHEREAS, the County has completed construction of ten of the seventeen CSO Control Measures required by the Consent Decree and has commenced construction of two of the remaining CSO Control Measures;

WHEREAS, on October 28, 2019, the County formally requested that the U.S. Environmental Protection Agency (“EPA”) and the Washington Department of Ecology

(“Ecology”) agree to modify the Consent Decree because of unexpected increases in CSO volumes requiring control and unexpected planning and implementation challenges due, in part, to climate change and variability of location, duration, and intensity of weather events;

WHEREAS, EPA and Ecology agreed to entertain specific modification requests from the County, and the Parties began informal negotiations to clarify the scope and content of potential modifications;

WHEREAS, the Parties continued informal negotiations for several years until EPA and Ecology requested additional supporting documentation on March 15, 2022;

WHEREAS, on November 18, 2022, the County submitted its specific modification requests and supporting documentation. The County sought Material Modifications to the descriptions, design criteria, and critical milestone dates of five CSO Control Measures detailed in Appendix B due to significantly greater CSO volumes requiring control than the Parties anticipated when they entered into the Consent Decree. These modifications clarify certain terms and allow for adaptive management of planned CSO Control Measures due, in part, to the impact of climate change and variability of weather events, and in particular, the need to manage larger volumes of stormwater run-off than anticipated;

WHEREAS, the Parties resumed negotiations to reach agreement on modifications to the Consent Decree based on the County’s request;

WHEREAS, the Parties entered into a second Non-Material Modification to the Consent Decree on May 9, 2023, not filed with the Court, authorizing the County to provide notifications, submissions, or other communications required by the Consent Decree by email or mail, with a preference for email;

WHEREAS, the Parties have agreed, pursuant to Paragraph 104 of the Consent Decree, to the material modifications to the Consent Decree detailed herein;

WHEREAS, this First Material Modification made herein constitutes a material change to the Consent Decree, requiring Court approval under Paragraph 104 of the Consent Decree; and

WHEREAS, the Parties recognize, and the Court by entering this First Material Modification finds, that this Modification has been negotiated by the Parties in good faith and that this Modification is fair, reasonable, and in the public interest.

NOW THEREFORE, with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

1. Except as specifically modified herein, all provisions of the Consent Decree entered by this Court on July 3, 2013 (ECF No. 6) shall remain unchanged and in full force and effect.
2. The deadline to obtain Construction Completion of all CSO Control Measures shall be modified to December 31, 2037.
3. Paragraph 9(w) shall be replaced with the following:  
“Performance Criteria” shall mean either, (a) for CSO Outfalls, achieving Controlled status for each CSO Outfall; or (b) for CSO treatment plants, meeting all NPDES Permit requirements and State water quality standards.

4. Paragraph 9(dd) shall be replaced with the following:

dd) “Twenty-Year Moving Average” or “20-Year Moving Average” shall mean the average number of untreated discharge events per CSO Outfall over a twenty-year period and is the averaging period used to assess compliance with the State’s CSO “control” standard of “greatest reasonable reduction” defined in WAC 173-245-020(22). The Twenty-Year Moving Average will be calculated at least annually and reported in the County’s Annual Report. The number of discharge events per year shall be based on representative monitoring records. For years where monitored data do not exist (e.g., during CSO control project design) or are not representative (e.g., due to the completion of CSO reduction projects; non-capital modifications; operational adjustments), the number of discharge events per year shall use the predicted discharge frequency as calculated through modeling. The model for each CSO Outfall shall be established by the LTCP or approved engineering report for CSO control project design and be based on historical rainfall data, hydraulic information (including climate change projections), and the control project design expected efficacy.

5. The following definition shall be added as new Paragraph 9(gg):

gg) “Optimization” shall mean the application of adjustable controls, operational improvements, or capacity modifications to achieve improved flow management with limited capital modifications to the system. Examples include but are not limited to: installing or adjusting controls for gates or pump stations; using additional monitoring locations to refine control settings; modifying weir elevations; and adding conveyance capacity to resolve a localized capacity limitation. The primary objective is to maximize the use of available storage and conveyance capacities more rapidly and effectively than typical capital projects.

6. Paragraph 15 shall be replaced with the following:

15. King County shall construct and implement the CSO Control Measures in accordance with the Performance Criteria and the descriptions, Design Criteria, and the dates for submission of engineering reports, Completion of Bidding, and Construction Completion for each CSO Control Measure as set forth in Appendix B.

7. Paragraph 17 shall be replaced with the following:

17. After two complete wet seasons (each spanning the period October 1 – April 30) following Construction Completion of each CSO Control Measure identified in Appendix B that are associated with CSO Outfalls numbers 028, 029, 030, 032, 036, 039, and 041 at the County’s new satellite CSO treatment plants, the County shall document, in its Annual Report submitted pursuant to Section VIII, whether these CSO satellite treatment plants and associated CSO Outfalls meet the effluent limits in the County’s NPDES Permit and State water quality standards. The first complete wet season shall begin October 1 after Construction Completion. If one of these new satellite CSO treatment plants and associated CSO Outfalls does not meet the effluent limits in the County’s NPDES Permit or State water quality standards within this timeframe, the County shall submit to EPA and the State for their approval a Supplemental Compliance Plan as set forth in Paragraph 20 below. This Supplemental Compliance Plan shall be submitted not later than January 30 of the year following the year in which the second wet season concludes.

8. Paragraph 18 shall be replaced with the following:

18. After two complete wet seasons (each spanning the period October 1 – April 30) following Construction Completion of each CSO Control Measure identified in Appendix B that addresses all remaining CSO Outfalls other than CSO Outfalls numbers 028, 029, 030, 032, 036, 039, and 041, the County shall document, in its Annual Report submitted pursuant to Section VIII, whether these CSO Outfalls are Controlled. The first complete wet season shall begin October 1 after Construction Completion. If one of these CSO Outfalls is not Controlled within this timeframe, the County shall submit to EPA and the State for their approval a Supplemental Compliance Plan as set forth in Paragraph 20 below. This Supplemental Compliance Plan shall be submitted not later than January 30 of the year following the year in which the second wet season concludes.

9. Paragraph 20 shall be modified to add the following to the end of the paragraph:

CSO Outfall Corrective Actions Report(s) submitted in accordance with NPDES Waste Discharge Permit No. WA0029181 shall satisfy the requirements for the Supplemental Compliance Plan described in this Paragraph.

10. Paragraph 21 shall be replaced with the following:

21. Proposed Revisions to CSO Control Measures and Design Criteria: The County may propose a revision to a CSO Control Measure, or to the Design Criteria for a CSO Control Measure, for a CSO control project listed in Appendix B by submitting a proposal to EPA and Ecology for review and approval (in accordance with the review procedures detailed within Section VI) by no later than the date of submission of the engineering report for the subject CSO control project.

(a) Any request by the County for proposed modification of a CSO Control Measure or Design Criteria made pursuant to this Paragraph shall be made in writing to EPA and the State pursuant to Paragraph 85, with all documentation necessary to support the request for proposed modification, including all information relevant to the five criteria set forth below. The County shall provide such additional information requested by the United States or the State as is necessary to assist in evaluating the County's modification request. Any such proposal shall also include:

(i) Detailed project information, such as the size and length of new sewer lines, sewer infrastructure rehabilitation, inflow source reduction or storage capacity; the volume of storage, or scope of sewer separation activities; and the anticipated discharge volume reduction;

(ii) An implementation schedule for completion of the revised and/or alternative CSO Control Measure, or for the CSO Control Measure with revised and/or alternative Design Criteria, by the same Construction Completion date for the CSO Control Measure set forth in Appendix B;

(iii) A demonstration that the revised and/or alternative CSO Control Measure or Design Criteria will meet or exceed the Performance Criteria;

(iv) A description of the public engagement process concerning the revised and/or alternative CSO Control Measure or Design Criteria; and

(v) A demonstration that the proposed revision of or change in CSO Control Measure or Design Criteria will not cause any adverse impacts to sensitive water bodies or beneficial uses of affected waters, or any disproportionate impact on any one or more geographic areas.

(b) EPA and State approval of proposed revised and/or alternative CSO Control Measures or Design Criteria consistent with subparagraph (a) above shall be considered a non-material modification for the purposes of Section XIX of this Consent Decree; provided, however, that, if EPA and the State approve a change to the type of CSO Control Measure that is not already included as an option for that CSO control project in Appendix B (e.g., using treatment instead of storage when treatment is not listed as an option in Appendix B), this shall be considered a material modification and shall not be effective until it is approved by the Court in accordance with Paragraph 104 of this Consent Decree. Any such proposed material modification of this Consent Decree shall, furthermore, be subject to public notice and comment pursuant to 28 C.F.R. § 50.7. The United States and

the State reserve their rights to withdraw or withhold their consent to any such proposed modification of this Consent Decree if public comments received disclose facts or considerations that indicate that the modification would be inappropriate, improper, or inadequate.

(c) If EPA and the State disapprove the County's proposed modification, the County may invoke Informal Dispute Resolution in accordance with Paragraph 78. The Formal Dispute Resolution and judicial review procedure set forth in Paragraphs 79 to 83 shall not apply to proposals for modification of CSO Control Measures or Design Criteria submitted pursuant to this Paragraph.

(i) If the dispute is not resolved by Informal Dispute Resolution, then the position advanced by the United States shall be considered binding; provided that the County may, within thirty (30) days after the conclusion of the Informal Dispute Resolution Period, appeal the decision to the Director of the Enforcement and Compliance Assurance Division, EPA Region 10.

(ii) The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 may approve or disapprove, or approve upon conditions or in a revised form, the proposed modification. The determination of the Director shall be in her/his discretion and shall be final. The County reserves the right to file a motion seeking relief in accordance with Federal Rule of Civil Procedure 60(b).

11. In Paragraph 33, the period for the County, in coordination with the City of Seattle, to review the Joint Plan shall be modified from every three years to every five years. Furthermore, Paragraph 33 shall be modified to add the following to the end of the paragraph:

The County and the City shall engage in a Coordinated Optimization Evaluation ("COE") as part of the next update of the Joint Plan. The COE is a significant effort that will identify and evaluate optimization opportunities that reduce CSOs by taking advantage of potential capacities through improving system-wide or basin specific controls and/or by installing new minor system components. The COE will also inform development of the County's and City's Long Term Control Plan Updates and project engineering reports.



12. Paragraph 43(a) shall add the following as new item (v) in the list of the items to be included in the County’s Annual Report:

(v) the Twenty-Year Moving Average for each CSO Outfall, as required by Paragraph 9(dd).

13. Paragraph 58 shall be replaced with the following:

58. Failure to Comply with Effluent Limits. The following stipulated penalties shall accrue for each failure to comply with the following numerical effluent limits imposed by the County’s NPDES permit for CSO Outfalls # 027b (Elliott West CSO Treatment Plant), 044 (MLK/Henderson CSO Treatment Plant), 046 (Carkeek CSO Treatment Plant), 051 (Alki CSO Treatment Plant, excluding CSO Outfall #001 for the West Point Wastewater Treatment Plant), 058 (Georgetown CSO Treatment Plant), and any future CSO treatment plant constructed to control outfalls included in Appendix B and subject to numeric effluent limits:

<u>Parameter</u>	<u>Stipulated Penalty</u>
Total Suspended Solids removal efficiency	\$10,000 per annum
Fecal Coliform geometric mean	\$2,000 per month
Settleable Solids (annual average)	\$10,000 per annum
Total Residual Chlorine (maximum daily)	\$2,000 per day
Other annual numeric effluent limits	\$10,000 per annum per limit
Other non-annual numeric effluent limits	\$2,000 per violation per day

14. In Paragraph 117, the description of Appendix D shall be modified to the following:

“Appendix D” is the Joint Operations and System Optimization Plan and Coordinated Optimization Evaluation Between the City of Seattle and King County;

15. The “Status” column in Appendix A shall be changed to “2012 Status.” The following language shall be added to the footnote to “2012 Status”:

Outfall control status is reported annually in the County’s CSO Annual Report.

16. Appendix B shall be replaced with the following:

**APPENDIX B: CSO Control Measures, Design Criteria, and Critical Milestones**

<b>CSO Control Project and Discharge Serial Number (DSN)</b>	<b>CSO Control Measure(s)</b>	<b>Design Criteria</b>	<b>Critical Milestones <sup>1,3</sup></b>
Hanford #1 (DSN 031)	Increased Conveyance and Storage Tank	0.34 MG of peak CSO storage with conveyance	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by December 31, 2014 [Completed]</li> <li>• Completion of Bidding by December 31, 2016 [Completed]</li> <li>• Construction Completion by December 31, 2019 [Completed]</li> </ul>
Brandon St./ S. Michigan St. (DSN 041/ 039)	CSO Treatment and Conveyance	66 MGD of peak CSO treatment and new conveyance system	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by December 31, 2015 [Completed]</li> <li>• Completion of Bidding by December 31, 2017 [Completed]</li> <li>• Construction Completion by December 31, 2022 [Completed]</li> </ul>
3rd Avenue West (DSN 008)	Joint City-County Storage Tunnel	29 MG tunnel, of which 4.18 MG of peak CSO storage attributable to County's 3rd Avenue West site	<ul style="list-style-type: none"> <li>• Construction Completion by December 31, 2027</li> </ul>
11th Ave. NW (DSN 004)	Joint City-County Storage Tunnel	29 MG tunnel of which 1.85 MG of peak CSO storage attributable to County's 11th Avenue NW site	<ul style="list-style-type: none"> <li>• Construction Completion by December 31, 2027</li> </ul>
W. Michigan St./ Terminal 115 (DSN 042/ 038)	Storage Tank	1.25 MG of peak CSO storage	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by December 31, 2020 [Completed]</li> <li>• Completion of Bidding by December 31, 2026</li> <li>• Construction Completion by December 31, 2029</li> </ul>

CSO Control Project and Discharge Serial Number (DSN)	CSO Control Measure(s)	Design Criteria	Critical Milestones <sup>1,3</sup>
Mouth of Duwamish CSO Control Project  (DSN 036/ 032/ 030/ 029/ 028)	CSO Treatment  <i>or</i>  CSO Storage and CSO Treatment  <i>or</i>  CSO Storage Facility	190 MGD of peak CSO treatment and modifications to existing conveyance system  <i>or</i>  6 MG of peak CSO storage and 170 MGD of peak CSO treatment and modifications to existing conveyance system  <i>or</i>  150 MG of peak CSO storage	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by December 31, 2026</li> <li>• Completion of Bidding<sup>2</sup> by July 31, 2029</li> <li>• Construction Completion by December 31, 2034</li> </ul>
University  (DSN 015)	Storage Facility  <i>or</i>  Storage Facility to manage consolidated control volumes associated with University and Montlake planning areas (DSN 015/014)	16.1 MG of peak CSO storage  <i>or</i>  24 MG of peak CSO storage	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by December 31, 2029</li> <li>• Completion of Bidding<sup>2</sup> by December 31, 2032</li> <li>• Construction Completion by December 31, 2037</li> </ul>
Montlake  (DSN 014)	Storage Facility  <i>or</i>  Storage Facility to manage consolidated control volumes associated with University and Montlake planning areas (DSN 015/014)	11 MG of peak CSO storage  <i>or</i>  24 MG of peak CSO storage	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by December 31, 2029</li> <li>• Completion of Bidding<sup>2</sup> by December 31, 2032</li> <li>• Construction Completion by December 31, 2037</li> </ul>

Footnote	Description
1	All engineering reports submitted must comply with the requirements of WAC 173-240-060.
2	“Completion of Bidding” for these CSO Control Projects shall be achieved when the County has accepted and awarded the bid for the first project component.
3	The City and County shall submit concurrent modification requests for changes to critical milestones on projects that are intended to control both City and County outfalls.

17. Appendix D shall be revised as follows:

**APPENDIX D: Joint Operations and System Optimization Plan and Coordinated Optimization Evaluation Between the City of Seattle and King County**

- A. Paragraph 1’s references to the preparation of the Joint Operations and System Optimization Plan shall be in the past tense, such that the fourth through sixth sentences of Paragraph 1 shall read:

The County worked with the City of Seattle in jointly preparing a Joint Operations and System Optimization Plan (“Joint Plan”) for the City’s Wastewater Collection System and those interdependent portions of King County’s regional wastewater conveyance and treatment system that are hydraulically connected to the City’s system. The result of this effort was development of a Joint Plan that is consistent with both entities’ operational objectives, ensures the optimal level of coordination and information sharing is maintained, and optimizes system and joint operations between both entities. The Joint Plan describes a procedure for operating their existing systems and includes a process for incorporating the Joint Plan into the design of new capital projects for the combined systems.

- B. A new Paragraph 2 shall be added as follows:

2. The County and the City continue to work together to ensure both systems are utilized to their full potential without adversely affecting the other. Prior work includes installing real-time data sharing between facilities, wet season preparedness meetings, gate optimizations, and a live shared overflow tracking website. These efforts are in part a result of the commitments made by each agency in the Joint Plan.

- C. The first sentence of what will now be Paragraph 3 shall read: The Joint Plan Updates shall continue to include, but not be limited to, the following items:

D. Item 3(k) is changed to reflect that updates to the Joint Plan must be made every five years instead of every three years.

E. A new Paragraph 4 shall be added as follows:

4. The next update to the Joint Plan will be submitted to EPA and the State by March 1, 2027. The Update will include the results of the Coordinated Optimization Evaluation, which will be initiated in 2023, and any optimization actions implemented as of March 1, 2027. The Coordinated Optimization Evaluation will include the following elements:

a. Opportunities to strategically remove stormwater and infiltration and inflow from the County's and City's collection systems;

b. Opportunities to optimize the use of available capacity to maximize use of existing collection system transport, storage, and treatment infrastructure for wastewater flows, including wet weather flows;

c. Opportunities for coordinated operation of the County's and City's combined sewer systems including the potential use of real-time controls that can react and/or anticipate wet weather conditions and assessing controls for greater capacity through operational changes and minor system improvements; and

d. Definition of planning parameters for future Long Term Control Plan Updates and project engineering reports.

18. The effective date of this Modification shall be the date upon which this Modification is entered by the Court or the motion to enter this Modification is granted, whichever occurs first, as recorded on the Court's docket.

19. This Modification shall be lodged with this Court for a period of at least thirty (30) days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States reserves the right to withdraw or withhold its consent if the comments regarding this Modification disclose facts or considerations indicating that this Modification is inappropriate, improper, or inadequate. The County consents to entry of this Modification as proposed without further notice

and agrees not to withdraw from or oppose entry of this Modification by the Court or to challenge any provision of this Modification, unless the United States or the State has notified the County in writing that the United States or the State no longer supports entry of this Modification.

20. Each undersigned representative of the County, the State, and the Assistant Attorney General for the Environment and Natural Resources Division of the United States Department of Justice, on behalf of the United States, certifies that he or she is fully authorized to enter into the terms and conditions of this Modification and to execute and legally bind the Party he or she represents to this Modification.

21. This Modification to the Consent Decree constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to this Modification to the Consent Decree, and this Modification supersedes all prior agreements and understandings, whether oral or written, concerning the Modification embodied herein.

22. This Modification may be executed in counterparts, and its validity shall not be challenged on that basis.

Dated and entered this \_\_\_ day of \_\_\_\_\_, 2024.

---

JOHN C. COUGHENOUR  
SENIOR UNITED STATES DISTRICT JUDGE

The undersigned hereby consents and certifies that he or she is authorized to consent to the terms and conditions of this First Material Modification to the Consent Decree in the matter of *United States of America and the State of Washington v. King County, Washington*, No. 2:13-cv-677 (W.D. Wash.).

FOR PLAINTIFF UNITED STATES OF AMERICA:

TODD KIM  
Assistant Attorney General  
United States Department of Justice  
Environment and Natural Resources Division

/s/ Eric D. Albert  
ERIC D. ALBERT, Senior Attorney  
Charles Fletcher, Trial Attorney  
United States Department of Justice  
Environment and Natural Resources Division  
Environmental Enforcement Section  
P.O. Box 7611  
Washington, DC 20044

Date: June 11, 2024

TESSA M. GORMAN  
United States Attorney  
Western District of Washington

By: /s/ Brian C. Kipnis  
BRIAN C. KIPNIS  
Assistant United States Attorney  
Office of the United States Attorney  
Western District of Washington  
700 Stewart Street, Suite 5220  
Seattle, WA 98101-1271

Date: June 11, 2024

The undersigned hereby consents and certifies that he or she is authorized to consent to the terms and conditions of this First Material Modification to the Consent Decree in the matter of *United States of America and the State of Washington v. King County, Washington*, No. 2:13-cv-677 (W.D. Wash.).

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

\_\_\_\_\_  
BENJAMIN BAHK  
Director, Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Date: \_\_\_\_\_

\_\_\_\_\_  
HANNAH ANDERSON  
Attorney, Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Date: \_\_\_\_\_



The undersigned hereby consents and certifies that he or she is authorized to consent to the terms and conditions of this First Material Modification to the Consent Decree in the matter of *United States of America and the State of Washington v. King County, Washington*, No. 2:13-cv-677 (W.D. Wash.).

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 10:

\_\_\_\_\_  
Date: \_\_\_\_\_  
EDWARD J. KOWALSKI  
Director, Enforcement and Compliance Assurance Division  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101

\_\_\_\_\_  
Date: \_\_\_\_\_  
BEVERLY F. LI  
Regional Counsel  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

\_\_\_\_\_  
Date: \_\_\_\_\_  
TED YACKULIC  
Assistant Regional Counsel  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

The undersigned hereby consents and certifies that he or she is authorized to consent to the terms and conditions of this First Material Modification to the Consent Decree in the matter of *United States of America and the State of Washington v. King County, Washington*, No. 2:13-cv-677 (W.D. Wash.).

FOR THE STATE OF WASHINGTON:

ROBERT W. FERGUSON  
Attorney General

By: \_\_\_\_\_  
RONALD L. LAVIGNE, WSBA #18550  
Senior Counsel  
Attorneys for State of Washington  
Washington Department of Ecology  
2425 Bristol Ct., SW  
Olympia, WA 98504

Date: \_\_\_\_\_

\_\_\_\_\_  
LAURA WATSON  
Director  
Washington Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

Date: \_\_\_\_\_

The undersigned hereby consents and certifies that he or she is authorized to consent to the terms and conditions of this First Material Modification to the Consent Decree in the matter of *United States of America and the State of Washington v. King County, Washington*, No. 2:13-cv-677 (W.D. Wash.).

FOR KING COUNTY, WASHINGTON:

\_\_\_\_\_  
DOW CONSTANTINE  
King County Executive  
King County Chinook Building  
401 5th Ave. Suite 800  
Seattle, WA 98104

Date: \_\_\_\_\_

LEESA MANION  
King County Prosecuting Attorney

By: \_\_\_\_\_  
KIMBERLY FREDERICK, WSBA #37857  
Chief Civil Deputy, Civil Division  
701 5th Avenue, Suite 600  
Seattle, WA 98104

Date: \_\_\_\_\_



## King County

**Dow Constantine**  
 King County Executive  
 401 Fifth Avenue, Suite 800  
 Seattle, WA 98104-1818  
**206-263-9600** Fax 206-296-0194  
 TTY Relay: 711  
[www.kingcounty.gov](http://www.kingcounty.gov)

June 26, 2024

The Honorable Dave Upthegrove  
 Chair, King County Council  
 Room 1200  
 C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Ordinance that, if enacted, would authorize King County to enter into the First Material Modification to the Consent Decree (First Material Modification) to the 2013 Consent Decree with the U.S. Environmental Protection Agency (EPA), and the Washington State Department of Ecology (Ecology).

The First Material Modification updates multiple provisions in the combined sewer overflow (CSO) compliance program established in the 2013 Consent Decree. Controlling CSOs is necessary to achieve compliance with federal and state requirements under the Clean Water Act, conditions in the West Point National Pollutant Discharge Elimination System (NPDES) permit, and obligations set forth in the 2013 Consent Decree. Further information on the First Material Modification can be found in the attached memorandum.

King County authorized execution of the 2013 Consent Decree through Ordinance 17514. The 2013 Consent Decree obligates the County to complete its CSO control program through implementation of a series of CSO control projects by December 31, 2030. The EPA, Ecology, and King County worked together closely to develop the First Material Modification to the 2013 Consent Decree. Notably, the First Material Modification updates CSO project sizes and descriptions to ensure King County achieves compliance with CSO regulations and extends the overall compliance deadline from 2030 to 2037.

The First Material Modification compliance deadline extension allows the County to balance regulatory requirements and affordability. The planning-level project cost estimate to complete the remaining CSO control projects is approximately \$3.3 billion in 2022 dollars, though the total costs may range between \$1.7 billion to \$4.9 billion in 2022 dollars. More than half of these cost estimates fall within the next 10 years of capital spending and are already included in the recent 10-year sewer rate forecast update under an assumption of a 2040 completion date.

The Honorable Dave Upthegrove

June 26, 2024

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A completion date of 2037 is anticipated to increase the current 10-year rate forecast by approximately seven percent.

King County is one of many jurisdictions throughout the country that have entered into a federal CSO Consent Decree and negotiated a modification. The First Material Modification maintains regulatory certainty for the County to complete the Consent Decree CSO compliance program. The overall compliance schedule extension provides the County an opportunity to balance rate affordability with other legal and regulatory obligations. Throughout the negotiation process, the County has continued to demonstrate its commitment to control CSOs by initiating programs such as the Mouth of Duwamish CSO Control Program and completing projects such as the Georgetown Wet Weather Treatment Station.

The First Material Modification clarifies the County's ability to incorporate new and emerging scientific information regarding potential impacts from climate change into future CSO control project designs. This flexibility ensures that CSO planning, design, and construction will continue to align with the County's Strategic Climate Action Plan and regulatory objectives over time.

Finally, the First Material Modification maintains the County's current priority of reducing the largest CSO volumes from the Duwamish area, which is one of the County's priority equity and social justice areas. These actions reflect the County's continued commitment to equity, racial, and social justice in accordance with the County's Equity and Social Justice Strategic Plan.

Thank you for your consideration of this proposed Ordinance. This important legislation will help King County residents by continuing to improve water quality and meet commitments under the Clean Water Act.

If your staff have questions, please contact Kamuron Gurol, Division Director of the Wastewater Treatment Division, Department of Natural Resources and Parks, at 206-263-5767.

Sincerely,



for

Dow Constantine  
King County Executive

The Honorable Dave Upthegrove

June 26, 2024

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Enclosures

cc: King County Councilmembers

ATTN: Stephanie Cirkovich, Chief of Staff

Melani Hay, Clerk of the Council

Karan Gill, Chief of Staff, Office of the Executive

Penny Lipsou, Council Relations Director, Office of the Executive

John Taylor, Director, Department of Natural Resources and Parks (DNRP)

Kamuron Gurol, Division Director, Wastewater Treatment Division, DNRP

**2023-2024 FISCAL NOTE**

Ordinance/Motion: 2024-XXXX  
 Title: Authorization to Execute Modified Consent Decree Regarding Combined Sewer Overflows  
 Affected Agency and/or Agencies: Wastewater Treatment Division, Department of Natural Resources and Parks  
 Note Prepared By: Myunghee Chung, Business and Finance Officer, WTD  
 Date Prepared: May 20, 2024  
 Note Reviewed By: Hai Hguyen, Business and Finance Officer, WTD  
 Date Reviewed: May 23, 2024

**Description of request:**

This request is to execute the modified Consent Decree initially authorized by Ordinance 17514 in 2013. The Consent Decree, signed in 2013, is a written agreement between King County, the Washington State Department of Ecology, the U.S. Environmental Protection Agency, and the U.S. Department of Justice that outlines the planned actions to bring King County’s Combined Sewer Overflow program into compliance with the federal Clean Water Act.

**Revenue to:**

Agency	Fund Code	Revenue Source	2023-2024	2025-2026	2027-2028
Water Quality Operating Fund/WTD	000004611		0	0	0
Wastewater Capital Fund	000003611		0	0	0
TOTAL			0	0	0

**Expenditures from:**

Agency	Fund Code	Department	2023-2024	2025-2026	2027-2028
Water Quality Operating Fund/WTD	000004611	DNRP	0	0	0
Wastewater Capital Fund	000003611	DNRP	0	0	0
TOTAL			0	0	0

**Expenditures by Categories**

	2023-2024	2025-2026	2027-2028
TOTAL	0	0	0

**Does this legislation require a budget supplemental? No**

Notes and Assumptions: Approval of the ordinance adopting the modified Consent Decree regarding Combined Sewer Overflow does not impact revenues and expenditures of the Water Quality Operating Fund 000004611 or the Wastewater Treatment Capital Fund 000003611.

**Overview of the Proposed Combined Sewer Overflow (CSO) First  
Material Modification to the 2013 Consent Decree Between King  
County, Washington State Department of Ecology, and United States  
Environmental Protection Agency**

June 2024



**King County**



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## II. Summary

In 2013, the United States Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) filed a lawsuit alleging King County (County) violated Sections 301 and 402 of the Clean Water Act and the conditions and limitations of the County's West Point Treatment Plant National Pollutant Discharge Elimination System (NPDES) permit issued to the County by Ecology.<sup>1</sup> The alleged violations related to the quality of the effluent released from combined sewer overflow (CSO) wet weather treatment stations that act as satellite treatment plants to the West Point Treatment Plant (West Point) and multiple unauthorized discharges from King County's combined sewer system. In response, King County, without admitting any liability related to the alleged violations, entered into a Consent Decree with EPA and Ecology.<sup>2</sup> King County approved Ordinance 17514, authorizing the King County Executive to execute the federal CSO Consent Decree, which took effect in July 2013.

The 2013 Consent Decree obligates King County and the Department of Natural Resources and Parks (DNRP), through its Wastewater Treatment Division (WTD), to complete a series of CSO control projects by 2030.<sup>3</sup> The projects listed in the 2013 Consent Decree were based on WTD's 2012 Long-term CSO Control Plan Amendment approved by King County in September 2012 (Ordinance 17413). In addition, the 2013 Consent Decree directed the following:

1. Implementation of CSO control projects already in design prior to the Consent Decree,
2. Improvements in operations of existing CSO wet weather treatment stations to meet effluent standards,
3. Reporting regarding progress towards the Consent Decree objectives, post-construction monitoring, etc.,
4. Dispute resolution procedures, and
5. Stipulated penalties for non-compliance.

The 2013 Consent Decree also directed King County to pay a \$400,000 civil penalty split between EPA and Ecology. The City of Seattle (Seattle) entered into a separate Consent Decree in July 2013, to address alleged Clean Water Act violations associated with discharges from Seattle's CSOs.

In 2016, a federal court approved a non-material modification to the 2013 Consent Decree. The non-material modification enabled the County to combine two of its projects with three Seattle projects into a single joint-project, known as the Ship Canal Water Quality Project.<sup>4</sup>

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<sup>1</sup> The [Clean Water Act](#) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.

<sup>2</sup> The EPA's lawsuit related to violations of the Clean Water Act was part of a national enforcement strategy to compel completion of CSO control and water quality improvements across the country.

<sup>3</sup> The 2013 consent decree is filed in the United States District Court for the Western District of Washington under [Case 2:13-cv-00677-JCC](#).

<sup>4</sup> The 2016 non-material modification is filed under the same case number as the 2013 consent decree and can be found [here](#). More information about the Ship Canal Water Quality project can be found [here](#).

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In 2019, King County and Seattle requested to enter negotiations with EPA and Ecology to modify their respective 2013 Consent Decrees due to several changed conditions. In mid-2024, King County, Ecology, and EPA reached agreement in principle on the proposed First Material Modification to the County's 2013 Consent Decree (First Material Modification). The First Material Modification extends the compliance milestones for the remaining CSO control projects and extends the County's overall compliance schedule from 2030 to 2037. Additionally, the First Material Modification updates design criteria for future projects, obligates the County to complete a sewer system optimization study with Seattle, updates some reporting requirements, clarifies post-construction monitoring periods, and clarifies flexibility to change design specifications for future projects, if necessary. Seattle, Ecology, and EPA also reached agreement in principle on a material modification of Seattle's Consent Decree that, among other changes, also extends Seattle's overall compliance schedule to 2037.

The First Material Modification to King County's Consent Decree maintains the overall goal of the 2013 Consent Decree to ensure the CSOs at King County's outfalls occur on average only once per year, based on a 20-year moving average, and the effluent discharged from CSO wet weather treatment stations meets applicable NPDES discharge standards.<sup>5</sup>

By King County agreeing to the First Material Modification, the Consent Decree will reflect updated project design specifications to achieve the regulatory and Consent Decree goals for CSO control and extend the overall compliance date to 2037 to complete the remaining projects. Stipulated penalties (with payments to EPA and Ecology) remain in place should King County fail to comply with the provisions of the Consent Decree and the First Material Modification.

The benefits of the First Material Modification include more time to build the larger projects necessary to achieve compliance and help with ratepayer affordability. The First Material Modification provides flexibility to adjust project size to handle larger, more frequent storms resulting from climate change. The remaining CSO projects are also re-sequenced to begin the Mouth of the Duwamish project, ahead of the University and Montlake CSO projects, thus prioritizing investments in underserved communities.

### III. Background

With a service area encompassing over 424 square miles, King County provides regional wastewater treatment services in King County and parts of Pierce and Snohomish Counties. The County's major wastewater treatment facilities include:

- Three regional treatment plants located in Seattle (West Point Treatment Plant), in Renton (South Plant), and near Woodinville (Brightwater Treatment Plant),
- Two smaller local treatment plants at Vashon Island and Carnation,
- 397 miles of conveyance lines,

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<sup>5</sup> Per the West Point Treatment Plant's NPDES permit, Ecology evaluates compliance with the CSO control performance standard of no more than one discharge event per outfall per year based on a 20-year average. The 2013 consent decree also recognizes the 20-year period to evaluate compliance with CSO control performance standard.

[Overview of the Proposed Combined Sewer Overflow \(CSO\) First Material Modification to the 2013 Consent Decree Between King County, Washington State Department of Ecology, and United States Environmental Protection Agency](#)

- 48 pump stations,
- 25 regulator stations,
- Five CSO wet weather treatment stations (WWTs), and<sup>6</sup>
- 38 CSO outfalls.

The County’s combined sewer system is located within the City of Seattle. A combined sewer system means that wastewater and stormwater flow into the same pipe and are delivered to a treatment facility. This is in contrast to a separated system, in which wastewater and stormwater have separate pipes and only the wastewater is delivered to the treatment facilities. The County’s service area outside of Seattle is a separated system.

The County serves as a wholesale provider of wastewater treatment to 34 local sewer agencies. The local sewer agencies own and operate their own pipelines and associated facilities to collect and deliver wastewater to King County for treatment and disposal. Seattle, as one of the 34 local sewer agencies, manages its local sewer system. Like King County, Seattle also has its own combined sewer system and manages 82 CSO outfalls. The County works closely with Seattle to coordinate programs and projects to reduce CSOs and achieve each agency’s respective Clean Water Act obligations.

The vast majority of flows from the County’s combined sewer system go to West Point or one of five County wet weather stations for treatment prior to discharge. During heavy storms, however, untreated combined flows that exceed the capacity of sewers, storage facilities, and treatment plants discharge through CSO outfalls to Elliott Bay, Puget Sound, the Duwamish River, Lake Union, the Lake Washington Ship Canal, and Lake Washington. These CSOs serve as a safety valve in preventing sewer backups into homes and businesses. The Municipality of Metropolitan Seattle, or Metro, King County’s predecessor, built most of the CSO outfalls while developing the regional wastewater system.

CSO control is required by the federal Clean Water Act and Washington state law.<sup>7</sup> “Control” means reducing the number of untreated overflows from each permitted CSO location to the Washington state standard of once per year based on a 20-year moving average. Any additional discharge events or discharges from unpermitted locations are unauthorized discharges in violation of Clean Water Act and NPDES permit conditions. Through independent and joint efforts, King County and Seattle have reduced the annual volume of untreated CSOs discharged to local waterbodies. Since the CSO control program began in the early 1980s, King County has invested more than \$1 billion to reduce the average CSO discharge volume from an estimated 2.3 billion gallons to approximately one billion gallons per year.<sup>8</sup>

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<sup>6</sup> WWTs operate only when flows cannot be managed immediately at West Point Treatment Plant and may be used only a few times a year to achieve the CSO regulatory control standard.

<sup>7</sup> Washington state law for Water Pollution Control can be found in [Chapter 90.48 RCW](#).

<sup>8</sup> This represents investments made through September 2023.

## IV. 2013 Consent Decree and 2016 Non-Material Modification

In July 2013, a Consent Decree between the EPA, Ecology, and King County was approved by a federal judge in the U.S. District Court for the Western District of Washington. A Consent Decree is a written agreement between all parties to a lawsuit that describes the actions that will be taken to resolve alleged violations of law. A Consent Decree can avoid the cost and uncertainty of litigation. Rather than litigating with EPA and Ecology regarding alleged Clean Water Act violations, the County negotiated the Consent Decree to complete a compliance program for its CSO facilities.

The County's 2013 Consent Decree compliance program included a schedule to complete five CSO control projects that were already under way at the time the Consent Decree was filed and included requirements to develop plans to implement supplemental control measures for three CSO outfalls.<sup>9</sup> In addition to those "early action" projects, the compliance program established a schedule to complete nine future CSO control projects to control the remaining 14 CSOs. The nine future CSO control projects are described in Appendix B of the Consent Decree.

Finally, the compliance program included requirements to develop a Sewer System Operations Program Plan, as well as to develop and regularly update a Joint Operations and System Optimization Plan with Seattle.<sup>10</sup> The 2013 Consent Decree requires the County to complete all elements of the compliance program no later than December 31, 2030. The CSO control projects included in the 2013 Consent Decree were based on the 2012 Long-term CSO Control Plan Amendment, which was approved by King County and Ecology.

In 2015, King County and Seattle requested a non-material modification to their respective Consent Decrees to enable the County and City to combine two future County CSO control projects and three future City CSO control projects into a single joint-CSO control project. The U.S. District Court for the Western District of Washington approved the non-material modification in 2016. The joint project is currently known as the Ship Canal Water Quality Project (SCWQP) and will control King County's 3<sup>rd</sup> Ave. W. and 11th Ave. N.W. CSO outfalls and Seattle's 147, 174, 150/151, and 152 CSO outfalls. This non-material modification reduced the number of "future" projects to be implemented from nine projects to eight projects.

The County has made significant progress in completing the compliance program outlined in the 2013 Consent Decree and in the 2016 non-material modification. To date, the County has completed all five of the 2013 early action CSO control projects and all three of the early action supplemental compliance projects. The County has also completed two of the eight CSO control projects mentioned in Appendix B. Capital project planning and delivery has launched for four of the CSO control measures in Appendix B,

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<sup>9</sup> Supplemental compliance plans are required by the 2013 consent decree for CSO control projects that are completed, but do not meet the CSO performance standard of one event per year on a 20-year moving average.

<sup>10</sup> The purpose of the [Sewer System Operations Plan](#) is to operate the treatment plants and conveyance system as one dynamic system to maximize the capture and treatment of service area flows, including CSOs. The [Joint Operations and System Optimization Plan](#) documents the framework within which the County and City work together to understand each agency's facilities and operations to optimize overall system performance.

with two of the projects in alternatives analysis, one in design, and one in construction. The final two CSO control projects (Montlake and University) in Appendix B are anticipated to be launched as capital projects (including alternatives analysis, design, and construction) by the end of 2027. Prior to the launch of the Montlake and University capital projects, WTD will reassess the project sizes and control measures to account for climate change and other changed conditions. Table 1 below provides an overview of the County’s progress on the 2013 Consent Decree.

Table 1: County Progress on 2013 Consent Decree Compliance Projects

CSO Control Project	Outfalls Addressed	Compliance Project Status	Current Outfall Status
<b>Currently (as of 2013) Underway and Early Action CSO Control Measures</b>			
Ballard Siphon Replacement	003	Complete	Controlled
North Beach	048a	Complete	Uncontrolled – in supplemental compliance
	048b		Controlled
Barton Street	057	Complete	Uncontrolled – in supplemental compliance
South Magnolia	006	Complete	Uncontrolled – in supplemental compliance
Murray	056	Complete	Controlled
Dexter Ave. Supplemental Compliance	009	Complete	Controlled
Denny Way Supplemental Compliance	027a	Complete	Uncontrolled – in supplemental compliance
Harbor Ave. Supplemental Compliance	037	Complete	Controlled
<b>“Appendix B” CSO Control Measures</b>			
Rainier Valley Storage (Hanford #1)	031	Complete	Uncontrolled – in supplemental compliance
Georgetown WWTS (Brandon St./S. Michigan St.)	041, 039	Complete	Uncontrolled – in post-construction monitoring period
SCWQP (3 <sup>rd</sup> Ave. W./11 <sup>th</sup> Ave. N.W.) <sup>11</sup>	008, 004	In construction	Uncontrolled – in construction
West Duwamish (W. Michigan St./Terminal 115)	042, 038	In design	Uncontrolled – in design
Chelan Ave.	036	In alternatives analysis	Uncontrolled – in alternatives analysis
Lander, Kingdome, and King (Hanford #2)	032, 030, 028, 029	In alternatives analysis	Uncontrolled – in alternatives analysis
University	015	Future project	Uncontrolled
Montlake	014	Future project	Uncontrolled
<b>Compliance Program Plans</b>			
Sewer System Operations Program Plan	N/A	Complete	Update as necessary
Joint Operations and System Optimization Plan	N/A	Complete	Update on a regular three-year cycle

<sup>11</sup> The Ship Canal Water Quality Project (SCWQP) is a joint project between the Seattle and King County. Seattle is the lead agency for design, construction, and operation of the SCWQP.

## V. Proposed First Material Modification to Consent Decree

Due to changed conditions since the signing of the 2013 Consent Decree, King County and Seattle requested in 2019 to enter negotiations with EPA and Ecology to modify their respective Consent Decrees. The primary changed condition was an unexpected increase in CSO volumes for the remaining future projects, due in part, to climate change impacts on storm patterns. Increased control volumes require increased anticipated project sizes and complexities, which were projected to cause implementation costs that were significantly greater than expected in the 2013 Consent Decree. These changed conditions affect the County's ability to complete the 2013 Consent Decree compliance program by 2030. Additional changed conditions include:

- Anticipated regulatory requirements for nutrient discharges to Puget Sound,<sup>12</sup>
- Increasing need to invest in aging wastewater equipment and facilities,
- Preparation of a new long-term strategic plan for the regional wastewater system,
- Coordination with Seattle, and
- Rate affordability challenges to meet all obligations by 2030.

The negotiations between King County, EPA, and Ecology resulted in proposed modifications to address the changed conditions and other coordination, procedural, and reporting requirements that will enhance water quality improvements and ease implementation. The proposed modifications to the 2013 Consent Decree are detailed below.

### 1) Updates projects with larger sizes, more control measure options, and a clarified process to adjust project sizes.

Recently developed hydraulic models indicate that the design criteria (facility sizes) identified in the 2013 Consent Decree would not achieve compliance with the CSO control standard of one event per year based on a 20-year moving average. In 2021, King County finalized its most recent hydraulic models based on three different climate scenarios. The first model used historic rainfall data and the remaining two models used different climate projections to estimate potential impacts of climate change on CSO design criteria. The results of this effort showed the design criteria identified in the 2013 Consent Decree would not achieve compliance with the CSO control standard, even before accounting for potential impacts of climate change.

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<sup>12</sup> The Puget Sound Nutrient General Permit was issued to the County on December 1, 2021. The new permit focuses on controlling discharges of excess nutrients – particularly nitrogen – to Puget Sound from domestic wastewater treatment plants. The Puget Sound Nutrient General Permit conditions apply to the County's three regional wastewater treatment plants and the Vashon Treatment Plant.



The 2013 Consent Decree allows for limited changes in the design criteria, with any changes beyond a certain threshold requiring federal court approval.<sup>13</sup> The First Material Modification lays out a non-material modification process by which further adjustments may be made to design criteria. The updated design criteria for each of the remaining Appendix B CSO control projects are shown in Table 2 below.

In addition to updating the design criteria for the remaining CSO control projects in Appendix B, the County added flexibility for project selection by negotiating the addition of multiple CSO control measures for three future CSO control projects. Both the 2013 Consent Decree and the First Material Modification require federal court approval to deviate from the CSO control measures identified in Appendix B. A comparison of the 2013 Consent Decree and the First Material Modification design criteria and control measures are provided in Table 2.

Table 2: 2013 Consent Decree and First Material Modification Design Criteria Comparison

CSO Control Project	2013 Consent Decree Design Criteria	First Material Modification Design Criteria
W. Michigan St./Terminal 115	<ul style="list-style-type: none"> <li>0.32 MG of peak CSO storage</li> </ul>	<ul style="list-style-type: none"> <li>1.25 MG of peak CSO storage</li> </ul>
Chelan Ave.	<ul style="list-style-type: none"> <li>3.85 MG of peak CSO storage</li> </ul>	<ul style="list-style-type: none"> <li>Incorporated with Hanford #2/Lander St./Kingdome/King St.</li> </ul>
Chelan Ave./Hanford #2/Lander St./Kingdome/King St.	<u>Hanford #2/Lander St./Kingdome/King St.</u> <ul style="list-style-type: none"> <li>151 MGD of peak CSO treatment</li> </ul>	<u>Chelan Ave./Hanford #2/Lander St./Kingdome/King St.</u> <ul style="list-style-type: none"> <li>190 MGD of peak CSO treatment</li> </ul> <b>OR</b> <ul style="list-style-type: none"> <li>170 MGD peak CSO treatment and 6 MG of peak CSO storage</li> </ul> <b>OR</b> <ul style="list-style-type: none"> <li>150 MG of peak CSO storage</li> </ul>
University	<ul style="list-style-type: none"> <li>2.94 MG of peak CSO storage</li> </ul> <b>OR</b> <ul style="list-style-type: none"> <li>5.23 MG of peak CSO storage (joint project option with Seattle)</li> </ul>	<ul style="list-style-type: none"> <li>16.1 MG of peak CSO storage</li> </ul> <b>OR</b> <ul style="list-style-type: none"> <li>24 MG of peak CSO storage (University/Montlake combined project)</li> </ul>

<sup>13</sup> The 2013 consent decree allows for a 20 percent design criteria threshold for all Appendix B CSO control projects except for Hanford #1 and W. Michigan/Terminal 115. The Hanford #1 and W. Michigan/Terminal 115 were allowed a 40 percent design criteria threshold because of their relatively small design criteria.

<b>CSO Control Project</b>	<b>2013 Consent Decree Design Criteria</b>	<b>First Material Modification Design Criteria</b>
Montlake	<ul style="list-style-type: none"> <li>6.6 MG of peak CSO storage</li> </ul> <b>OR</b> <ul style="list-style-type: none"> <li>7.87 MG of peak CSO storage (joint project option with Seattle)</li> </ul>	<ul style="list-style-type: none"> <li>11 MG of peak CSO storage</li> </ul> <b>OR</b> <ul style="list-style-type: none"> <li>24 MG of peak CSO storage (University/Montlake combined project)</li> </ul>

**2) Extends overall compliance schedule from 2030 to 2037.**

The compliance deadline in the 2013 Consent Decree is December 31, 2030, while the First Material Modification compliance deadline is December 31, 2037. Extending the compliance deadline to December 31, 2037, allows King County to stagger the remaining CSO projects within the larger wastewater capital program to minimize the rate impacts of the CSO program to ratepayers. Table 3 provides a comparison of the 2013 Consent Decree milestones with the First Material Modification milestones for the following projects:

Table 3: 2013 Consent Decree and First Material Modification Milestone Comparison

<b>CSO Control Project</b>	<b>2013 Consent Decree Milestones</b>	<b>First Material Modification Milestones</b>
3rd Ave. W./11th Ave. N.W. (SCWQP)	<ul style="list-style-type: none"> <li>Construction Completion by Dec. 31, 2025<sup>14</sup></li> </ul>	<ul style="list-style-type: none"> <li>Construction Completion by Dec. 31, 2027</li> </ul>
W. Michigan St./Terminal 115 (West Duwamish)	<ul style="list-style-type: none"> <li>Submission of Engineering Report by Dec. 31, 2020</li> <li>Completion of Bidding by Dec. 31, 2022</li> <li>Construction Completion by Dec. 31, 2025</li> </ul>	<ul style="list-style-type: none"> <li>Submission of Engineering Report by Dec. 31, 2020</li> <li>Completion of Bidding by Dec. 31, 2026</li> <li>Construction Completion by Dec. 31, 2029</li> </ul>
Chelan Ave./Hanford #2/Lander St./Kingdome/King St. (Mouth of Duwamish)	<u>Chelan Ave.</u> <ul style="list-style-type: none"> <li>Submission of Engineering Report by Dec. 31, 2018</li> <li>Completion of Bidding by Dec. 31, 2020</li> <li>Construction Completion by Dec. 31, 2023</li> </ul> <u>Hanford #2/Lander St./Kingdome/King St.</u> <ul style="list-style-type: none"> <li>Submission of Engineering Report by Dec. 31, 2024</li> </ul>	<u>Chelan Ave./Hanford #2/Lander St./Kingdome/King St.</u> <ul style="list-style-type: none"> <li>Submission of Engineering Report by Dec. 31, 2026</li> <li>Completion of Bidding by July 31, 2029</li> <li>Construction Completion by Dec. 31, 2034</li> </ul>

<sup>14</sup> The Construction Completion Milestone is based on the 2016 non-material modification for the joint-project (Ship Canal Water Quality Project) option.

CSO Control Project	2013 Consent Decree Milestones	First Material Modification Milestones
	<ul style="list-style-type: none"> <li>• Completion of Bidding by Dec. 31, 2026</li> <li>• Construction Completion by Dec. 31, 2030</li> </ul>	
University	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by Dec. 31, 2023</li> <li>• Completion of Bidding by Dec. 31, 2025</li> <li>• Construction Completion by Dec. 31, 2028</li> </ul>	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by Dec. 31, 2029</li> <li>• Completion of Bidding by July 31, 2032</li> <li>• Construction Completion by Dec. 31, 2037</li> </ul>
Montlake	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by Dec. 31, 2023</li> <li>• Completion of Bidding by Dec. 31, 2025</li> <li>• Construction Completion by Dec. 31, 2028</li> </ul>	<ul style="list-style-type: none"> <li>• Submission of Engineering Report by Dec. 31, 2029</li> <li>• Completion of Bidding by July 31, 2032</li> <li>• Construction Completion by Dec. 31, 2037</li> </ul>

**3) Re-sequences the remaining projects to construct Chelan Ave./Hanford #2/Lander St./Kingdome/King St. project before the University and Montlake projects.**

Resequencing enables King County to maintain its commitment to prioritize environmental projects in the County’s underserved areas first, as well as to prioritize completing projects that will achieve the greatest reasonable reduction of CSOs. This also enables the County to maintain alignment with the Harbor Island Superfund clean-up and source control activities.<sup>15</sup>

**4) Clarifies the definition of the “20-year moving average” compliance standard.**

The First Material Modification clarifies how to calculate the 20-year moving average using monitored data, modeled data, or a combination of both. This clarification ensures that the County, EPA, and Ecology are aligned with the methods used for annual CSO outfall compliance reporting.

**5) Clarifies and extends the post-construction monitoring periods to provide greater certainty of facility performance and time for operational adjustments.**

The First Material Modification establishes that two wet seasons of post-construction monitoring is required for all CSO control projects, regardless of what control measure is used. Additionally, the First Material Modification clarifies that two complete wet seasons are required for post-construction monitoring to determine a CSO’s compliance with the control standard.

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<sup>15</sup> The EPA’s Superfund Program is responsible for cleaning up some of the nation’s most contaminated land and responding to environmental emergencies, oil spills and natural disasters, of which Harbor Island has been identified. More information about the Harbor Island Superfund site can be found [here](#).

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The 2013 Consent Decree only allowed for one wet season (October through April) of monitoring for CSO control projects using a storage control measure, and two wet seasons of monitoring for CSO control projects using a treatment control measure to determine the project’s compliance status. Additionally, the 2013 Consent Decree is unclear on whether a complete wet season or partial wet season of monitoring is required to achieve compliance.

**6) Adds an option for the West Point NPDES permit CSO corrective actions to also satisfy Consent Decree supplemental compliance requirements if both apply.**

The First Material Modification provides the County the option to lessen the administrative burden by producing one set of documents to satisfy supplemental compliance requirements and proposed NPDES permit CSO corrective action requirements if both apply.

**7) Changes Joint Operations and System Optimization Plan (Joint Plan) updates from a three-year interval to a five-year interval.**

The First Material Modification extends the update interval for the Joint Plan from three to five years. The Joint Plan is an effort to optimize system operations collaboratively between King County and Seattle. The County and City CSO program staff work collaboratively to review and update the Joint Plan.

**8) Commits King County and Seattle to complete a Coordinated Optimization Evaluation**

The First Material Modification also allows the County to collaborate with Seattle to further explore optimization opportunities, including:

- Strategically removing stormwater and infiltration and inflow from the collection systems,
- Maximizing use of all available capacity,
- Reviewing the use of real-time controls, and
- Defining planning parameters for future plans and reports.

Completing the Coordinated Optimization Evaluation effort will help ensure that King County and the City of Seattle are fully utilizing existing wastewater system capacity before building new projects.

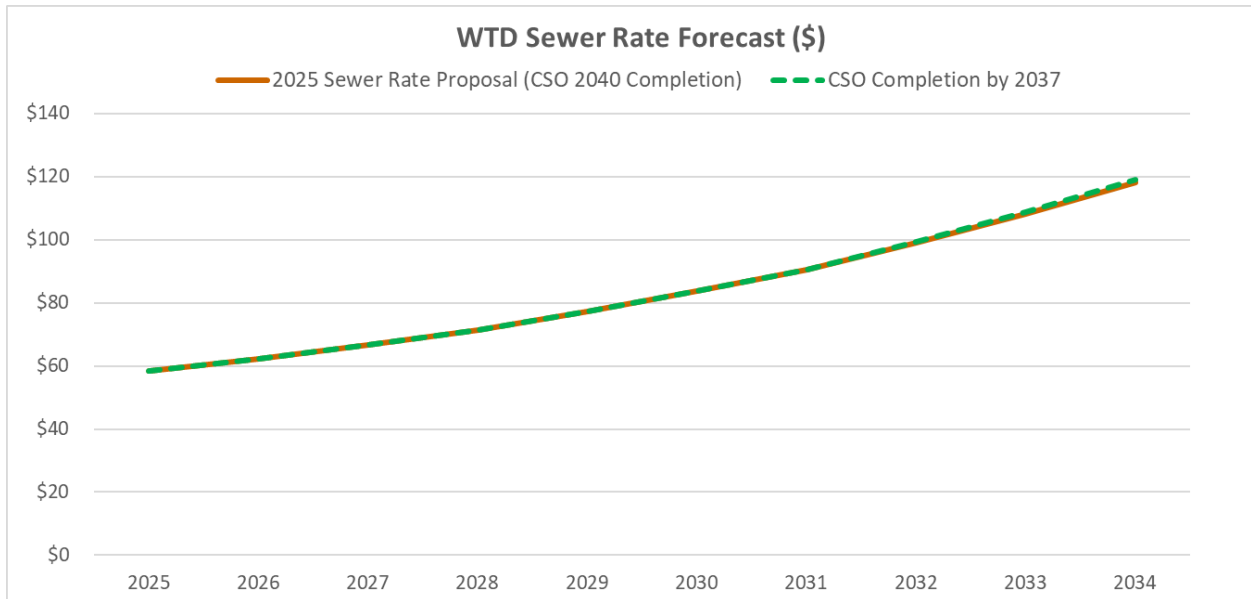
## **VI. Remaining Project Costs and Rate Impacts**

The planning-level project cost estimate to complete the remaining CSO control projects is approximately \$3.3 billion in 2022 dollars, though the total costs may range between \$1.7 billion to \$4.9 billion in 2022 dollars. More than half of these cost estimates fall within the next 10 years of capital spending and are already included in the recently proposed 10-year sewer rate forecast under an assumption of a 2040 completion date. A completion date of 2037 is anticipated to increase the currently proposed rate forecast by less than one percent over the next 10-year period (Figure 1). However, the County will update the accomplishment rate assumption for the CSO Consent Decree projects to reflect the added certainty (and necessity) of timely delivery, as it did for the Georgetown Wet Weather Treatment Station and Joint Ship Canal Water Quality Projects in the past. Assuming a 100

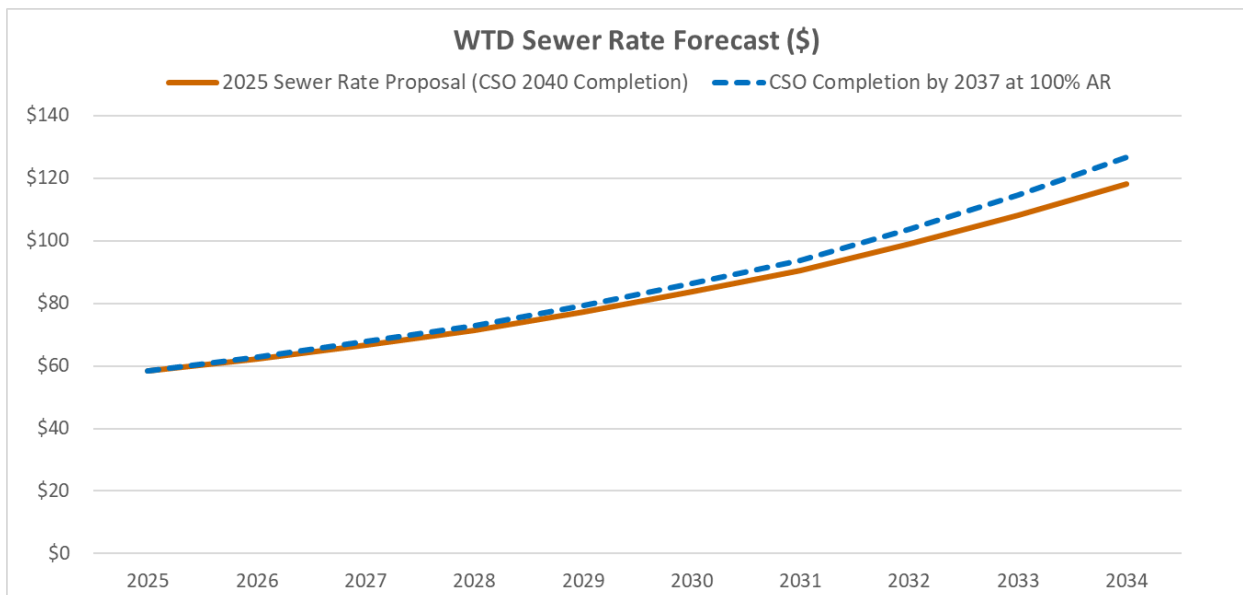
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percent accomplishment rate for CSO Consent Decree projects and a completion date of 2037, the anticipated increase to the proposed rate forecast would be approximately seven percent (Figure 2).



**Figure 1: Sewer Rate Forecast of 2040 CSO Completion v. 2037 CSO Completion**



**Figure 2: Sewer Rate Forecast of 2040 CSO Completion v. 2037 CSO Completion at 100% Accomplishment Rate**

## VII. Conclusion

In mid-2024, King County, Ecology, and EPA reached agreement in principle on the First Material Modification. The First Material Modification extends the compliance milestones for the remaining CSO control projects and extends the overall compliance schedule from 2030 to 2037. Additionally, the First Material Modification updates design criteria for future projects, obligates the County to complete a sewer system optimization study with Seattle, updates reporting requirements, clarifies post-construction monitoring periods, and clarifies flexibility to change design specifications for future projects. The First Material Modification maintains regulatory certainty to complete the Consent Decree CSO compliance program, provides an opportunity to balance rate affordability with legal and regulatory obligations, and prioritizes projects that reduce the largest CSO volumes in one of King County's priority equity and social justice areas.



King County

Protecting Our Waters

*Doing our part on rainy days*

# Combined Sewer Overflow Consent Decree Modification

Presented to the Transportation, Economy, and Environment Committee

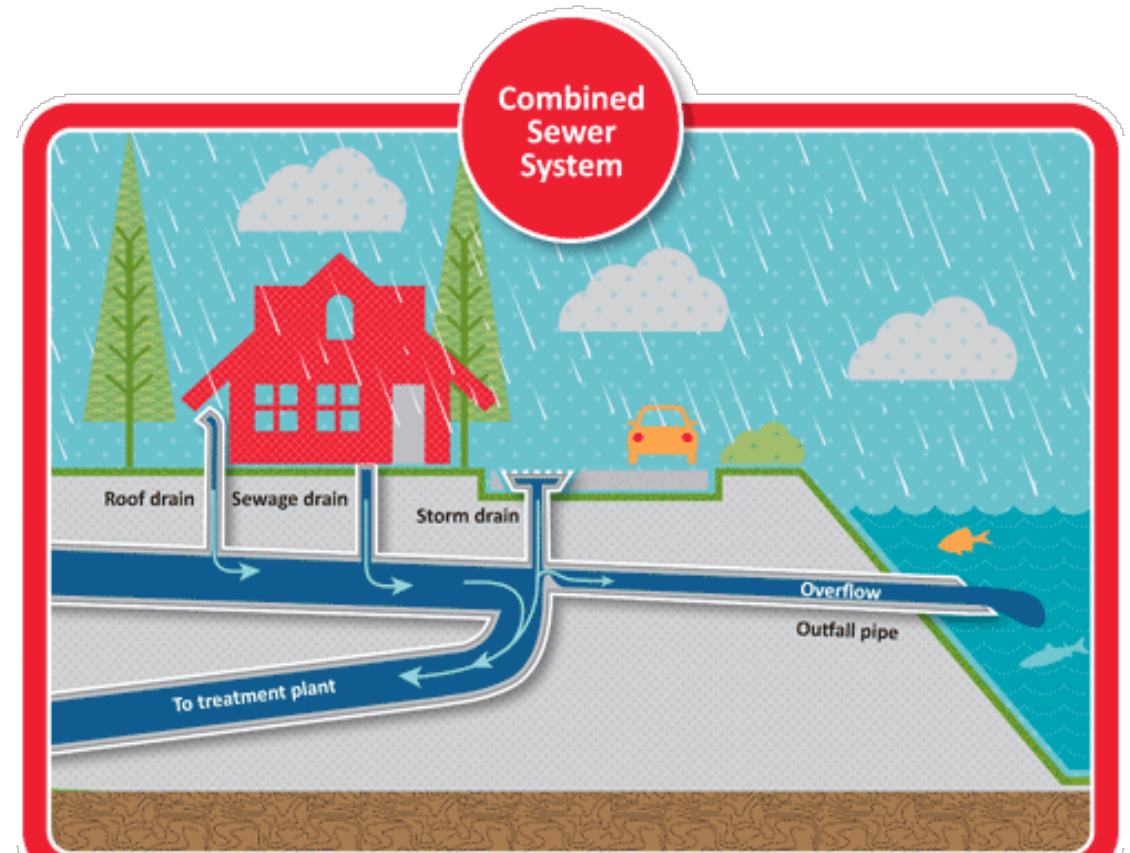
July 16, 2024



# What are Combined Sewer Overflows?

CSOs are relief points in older sewer systems that carry sewage and stormwater in the same pipe.

When heavy rains fill the pipes, CSOs protect homes and businesses by overflowing excess sewage and stormwater into local water bodies.

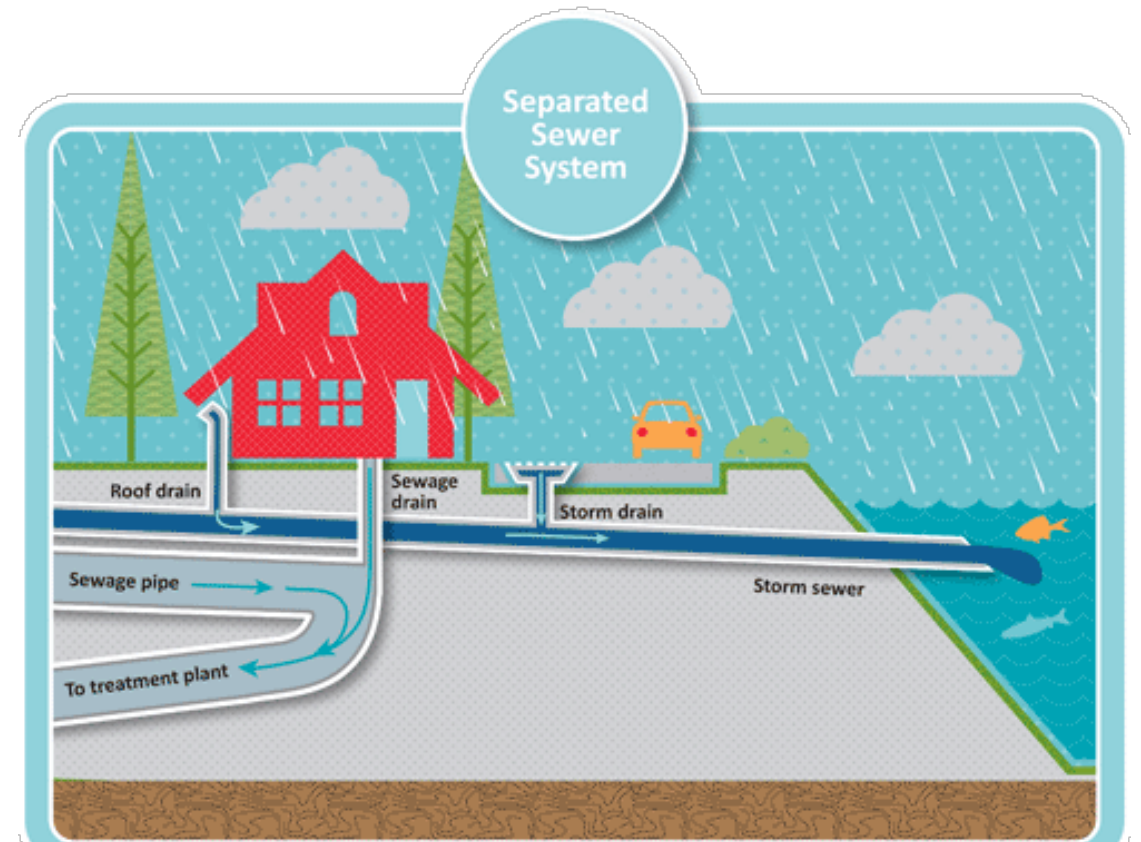






# Separated sewer system

Separated sewer systems have separate pipes for sewage and stormwater.





# Why is CSO Control important?

- CSOs are a recognized source of water pollution and public health concerns.
- CSOs are regulated under the Federal Clean Water Act.
- Washington State requires the “greatest reasonable reduction of combined sewer overflows at the earliest possible date.” (RCW90.48.480).
- Outfalls must be controlled so that no more than one untreated discharge occurs per year on average. (WAC 173-245-20)

**WARNING:**  
Rains can cause pipe overflows and temporary pollution in this area.

**To find out if you should use the water here today:**

<p><b>ADVERTENCIA:</b> las lluvias pueden causar desbordes en las tuberías y contaminación temporal en esta área.</p> <p>Investigue las condiciones actuales de la calidad del agua para esta área: (Spanish)</p>		<p><b>경고:</b> 비가 내리면 이 구역에 배관 범람 및 일시적 오염이 발생할 수 있습니다.</p> <p>이 구역의 현재 수질 상태를 파악하십시오. (Korean)</p>
<p><b>CẢNH BÁO:</b> mưa có thể gây sự cố tràn ống và ô nhiễm tạm thời trong khu vực này.</p> <p>Tìm xem thông tin về tình trạng chất lượng nước hiện tại cho khu vực này: (Vietnamese)</p>	<p><b>警告:</b> 下雨可能會使水管溢流並且造成這個地區暫時被污染。</p> <p>請查看本地區目前的水質情況: (Chinese)</p>	

206-386-1800 or TTY: 711  
[www.kingcounty.gov/CSOstatus](http://www.kingcounty.gov/CSOstatus)

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CSO #: 007

 King County
  City of Seattle

# King County and Seattle each manage their own CSO systems

- King County has 38 CSO outfalls.
- Seattle has 82 CSO outfalls.
- King County and Seattle are obligated to control their CSOs to meet the state standard of one untreated discharge per year on average.



# Progress to date

12 CSO projects in the consent decree

- 7 completed
- 3 in progress, plus Elliott West upgrade
- ▲ 2 upcoming projects

## Completed CSO Projects

1. North Beach CSO Control Project
2. Ballard Siphon CSO Control Project
3. South Magnolia CSO Control Project
4. Murray CSO Control Project
5. Barton CSO Control Project
6. Rainier Valley Wet Weather Storage Facility
7. Georgetown Wet Weather Treatment Station



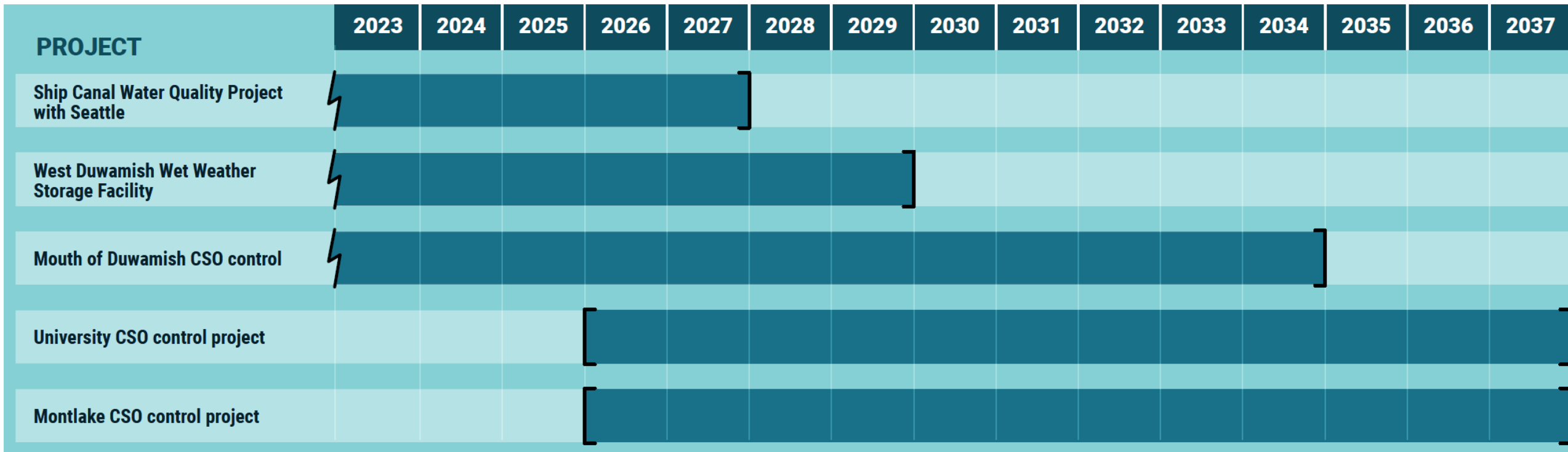
# Rationale for CD modification

- Original CD signed in 2013 with 2030 end date. Two projects are completed, five others are addressed in the CD modification.
- In 2019, the County initiated negotiations to modify the CD because conditions had changed, and the remaining CSO projects were no longer deemed sufficient to meet regulatory needs.
- The revised projects and timeline in the modified CD will allow us to meet legal obligations and provide water quality benefits to our region for decades to come.

# Benefits of CD Changes

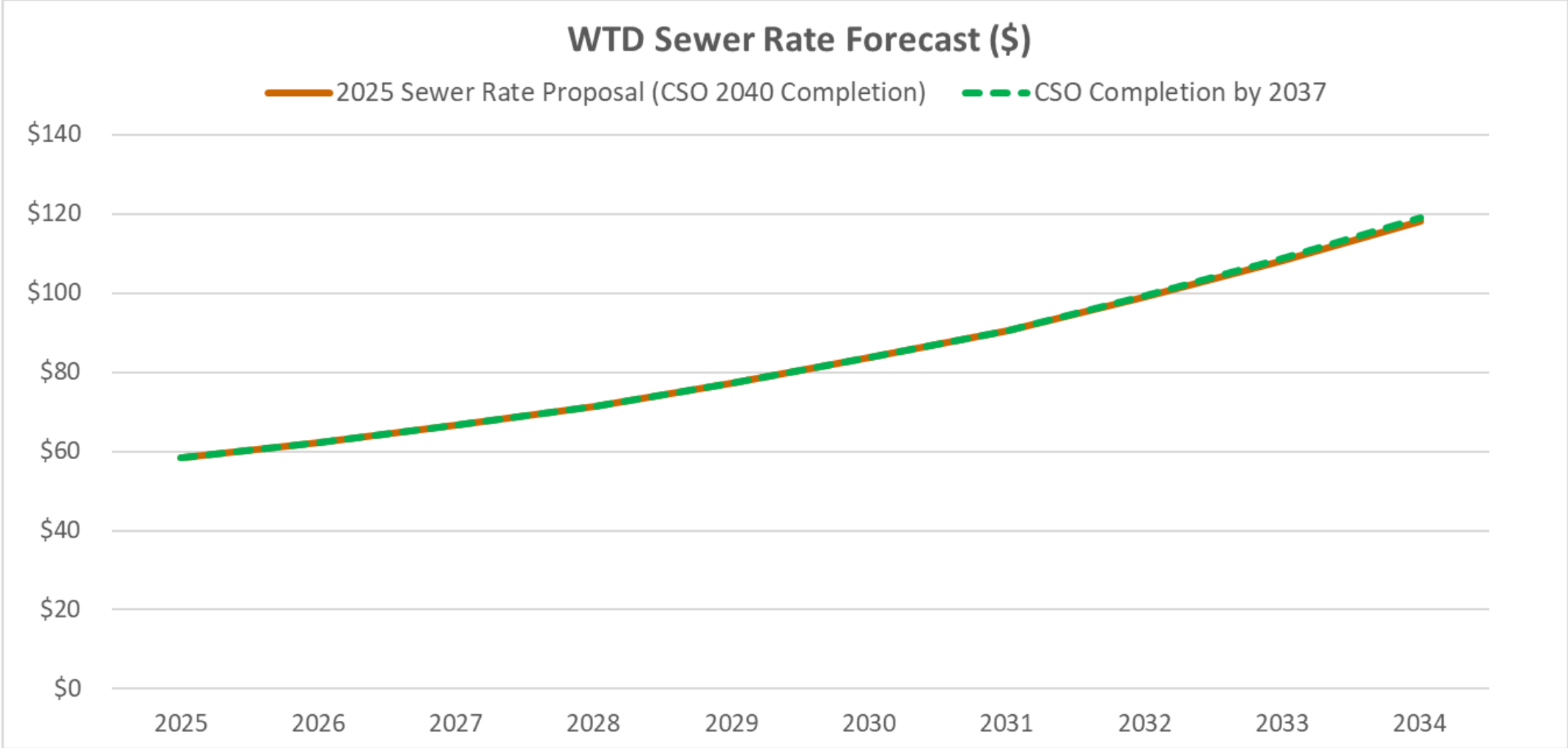
- **More time** – extended end date from 2030 to 2037 is needed to build larger projects and will help with affordability.
- **Updated projects** – larger sizes and more control measure options to ensure we reliably achieve needed control status.
- **Re-sequenced remaining projects** - Mouth of Duwamish before University and Montlake.
- **Clarified flexibility** to adjust project size to address climate change and handle larger, more frequent storms.
- **Closer coordination with Seattle** to optimize our systems and how they work together to protect water quality.
- **Improved monitoring** and reporting practices.

# Modified CD Delivery Schedule



2406\_13350w\_CS0\_control\_graphic\_timeline.ai

# Sewer rate forecast of 2040 completion vs. 2037 completion





# CLIMATE CHANGE IS IMPACTING OUR WASTEWATER SYSTEM

Heavy rainstorms can overload our wastewater system, leading to overflows into local waterways.

CSO OUTFALL

REGIONAL SEWER PIPES

Sea level rise causes saltwater to infiltrate and corrode wastewater pipes.

Heat waves affect employees and the bacteria that process wastewater.

TREATMENT PLANT

Extreme weather disrupts power sources and causes equipment to falter.

Smoke from wildfires can be dangerous for workers.

Higher tides and river flooding can cause sewer backups in some communities and inundate our low-lying infrastructure.

RECYCLED WATER

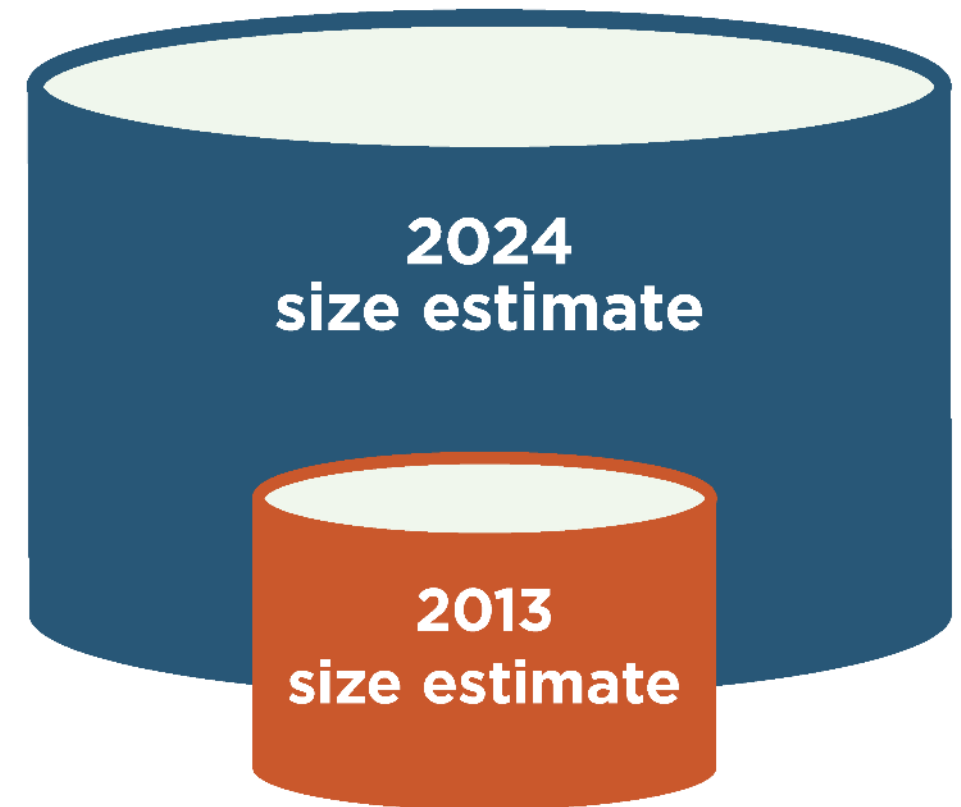
TREATED WATER

# Climate Resilience

- Climate change is impacting how we design and build wastewater infrastructure.
- By the 2080s, the region's severe rainstorms are expected to bring 22% heavier rainfall flow to our system.
- We are adapting to climate impacts by building larger, more resilient projects that protect us against larger, more frequent storms.
- Ensures compliance with federal and state regulations and meets our goals for improving water quality.

## ADAPTING OUR PROJECTS FOR CLIMATE CHANGE

Wet weather storage tanks need to be larger than previously estimated to withstand the storms of the present and future.



# Opportunity for Green Solutions

- WTD has incorporated Green Stormwater Infrastructure (GSI) into dozens of capital projects to date.
- Larger volumes are challenging for control with distributed GSI alone.
- "Green for gray" substitutions can still be explored for remaining projects.
- GSI is a promising strategy to supplement the performance of gray infrastructure and maintain control in the face of climate change.



# Modification Approval Process Tentative Schedule

- **June 2024:** Transmittal to Council
- **Q3 2024:** Council review and approval
- **Q3/Q4 2024:** DOJ transmittal to federal court once King County and Seattle have authorized modifications
- **Q1/Q2 2025:** Court approval, modification complete

# Communications & Outreach

- Key messages:
  - **Commitment to water quality:** These changes improve our CSO control program so that we can make the best investments in water quality for the Puget Sound region for decades to come.
  - **Climate resilience:** We will build better projects that protect us against larger, more frequent storms.
  - **Equitable approach:** We will prioritize communities in the Duwamish where equity is needed.
  - **Better affordability:** We will be better able to manage the cost burdens on ratepayers.
- WTD, Seattle, and regulators coordinating on communications plans for external parties (media and stakeholders).
- King County and Seattle coordinating on respective legislative processes.



**King County**

**Protecting Our Waters**

*Doing our part on rainy days*

# Questions



**King County**

**Metropolitan King County Council  
Transportation, Economy, and Environment Committee**

**STAFF REPORT**

<b>Agenda Item:</b>	8	<b>Name:</b>	Mary Bourguignon
<b>Proposed No.:</b>	2024-0212	<b>Date:</b>	July 16, 2024

**SUBJECT**

Proposed Motion 2024-0212 would acknowledge receipt of the Transit Public Restroom Initiative Report, which was required by a budget proviso.

**SUMMARY**

As part of the 2023-2024 biennial budget, the Council encumbered \$600,000 for Metro to install, operate, and maintain one public restroom at the Aurora Village Transit Center and one public restroom at the Burien Transit Center.<sup>1</sup> The Council also required Metro to document this work through a Transit Public Restroom Initiative Report.<sup>2</sup>

Proposed Motion 2024-0212 would acknowledge receipt of the Transit Public Restroom Initiative Report. The report states that:

- A single portable restroom and supplemental handwash station was installed at Aurora Village Transit Center in December 2023 and at Burien Transit Center in January 2024, at a cost of \$568,567 for six months.
- Both restrooms are open 24 hours daily and are cleaned three times a day. Metro allocated an additional security officer 24/7 at each location.
- Through April 2024, average daily restroom usage is 32 at Aurora Village Transit Center (2% of ridership) and 19 at Burien Transit Center (1% of ridership). Security incidents have declined 25% at Aurora Village Transit Center and 13% at Burien Transit Center.
- Because the two transit centers do not meet the criteria in the Code for public transit restrooms, Metro plans to remove the restrooms at the end of 2024.

The report appears to comply with the requirements of the budget proviso. Amendment 1 would make technical corrections to Table 5 on page 22 of the transmitted report to correct several inadvertent math errors.

<sup>1</sup> Ordinance 19546, Section 114 Expenditure Restriction ER1

<sup>2</sup> Ordinance 19546, Section 114, Proviso P1, as amended by Ordinance 19633, Section 86, Proviso P1

## **BACKGROUND**

**Transit public restroom policy.** Policy for public restrooms at transit facilities is set in the King County Code,<sup>3</sup> which requires King County to provide public restrooms at transit centers that meet the following eight criteria:

1. The transit center has been designed and sited principally to facilitate transfers between different routes.
2. The transit center is developed off-street on property that the County either owns or controls through a long-term lease.
3. County service through the transit center makes significant use of "timed meet" schedules.
4. The transit center has capacity for eight or more in-service coaches; layover bays or terminal space do not count toward meeting this capacity requirement.
5. There is adequate space on the transit center platform to provide a restroom facility without compromising operating requirements.
6. A daily platform population of 2,000 or more patrons is projected. This includes transfer activity as well as trips originating or terminating at the center.
7. At least 25 buses per peak hour pass through the transit center.
8. Independent of any decision to provide a public restroom, the level of operational activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.

The Code notes that if the above criteria are met, the public restroom is to be a gender-neutral facility to be used both by County employees and the general public, but only available to the public during hours when a Metro representative is scheduled to be on-site to manage the restroom. Local jurisdictions or adjacent property owners may enter into an agreement with Metro to share the additional operating costs for expanded restroom hours (to be approved by the Council if required).

The Code also notes that Metro is not to provide public restrooms at any facilities that do not meet the above criteria, and that the County is not to staff transit facilities simply to maintain or expand hours of access to public restrooms.

None of Metro's transit centers meet all the criteria in the Code. As a result, as of the end of 2022, Metro did not offer public restrooms at any of its transit centers.<sup>4</sup> (Comfort stations for Metro bus operators, which are not accessible to the public, are established and managed separately and are available throughout the system.)

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<sup>3</sup> KCC 28.94.100

<sup>4</sup> Sound Transit restroom policy is guided by Motion No. M98-67. This may be updated in 2024.



**Budget proviso.** As part of the 2023-2024 biennial budget, the Council encumbered \$600,000 for Metro to install, operate, and maintain one public restroom at the Aurora Village Transit Center and one public restroom at the Burien Transit Center.<sup>5</sup> The Council also required Metro to document this work through a Transit Public Restroom Initiative Report, due by June 30, 2024.<sup>6</sup> The expenditure restriction and proviso state:

ER1 EXPENDITURE RESTRICTION:

Of this appropriation, \$600,000 shall be expended or encumbered solely to install, operate and maintain one public restroom at the Aurora Village transit center and one public restroom at the Burien transit center. The public restrooms may be portable or permanent structures. Existing restrooms may be used if they can be safely and appropriately opened to the public. Each public restroom shall include at least one stall.

P1 PROVIDED THAT:

Of this appropriation, \$600,000 shall not be expended or encumbered until the executive transmits a transit public restroom initiative report and a motion that should acknowledge receipt of the report, and a motion acknowledging receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to, the following:

A. A description of the public restrooms installed, operated and maintained at the Aurora Village and Burien transit centers, including, but not limited to, the following:

1. The cost to procure and operate each public restroom or to open an existing restroom for public use;
2. The estimated monthly usage of each public restroom since it was opened for public use; and
3. The impact of the public restroom on safety and cleanliness at each transit center;

B. A plan to install, operate and maintain additional public restrooms at transit centers, including, but not limited to, the following:

1. A list of transit centers that meet the criteria outlined in K.C.C. 28.94.100 for provision of public restrooms, including an evaluation of whether changes to the criteria outlined in K.C.C. 28.94.100 would promote greater safety, security and cleanliness at transit centers;
2. A proposed timeline to install additional public restrooms at the transit centers listed in response to subsection B.1. of this proviso; and
3. Estimated costs to install, operate and maintain public restrooms at each transit centers listed in response to subsection B.1. of this proviso, including a comparison of these costs to rent a portable restroom or to install a permanent restroom structure; and

C. Any legislation necessary to implement the transit public restroom initiative report.

The executive should electronically file the report and motion required by this proviso no later than ~~((January 11, 2024))~~ June 30, 2024, with the clerk of the council, who shall retain an

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<sup>5</sup> Ordinance 19546, Section 114 Expenditure Restriction ER1

<sup>6</sup> Ordinance 19546, Section 114, Proviso P1, as amended by Ordinance 19633, Section 86, Proviso P1

electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the transportation, economy and environment committee or its successor.

## **ANALYSIS**

The report, as transmitted, appears to comply with the terms of the proviso by responding to each of the required issues. As required, it includes information on:

### **A. A description of the public restrooms installed, operated, and maintained at the Aurora Village and Burien transit centers.**

The report states that Metro installed a single portable restroom stall with an external handwashing station at each transit center. The portable restrooms are gender-neutral and compliant with the Americans with Disabilities Act (ADA). The restrooms are anchored to concrete blocks to prevent theft and were sited following an assessment of lighting and line of sight from the rider platforms to maximize safety.

The report notes that Metro provided an additional contracted transit security officer on site 24 hours a day to monitor restroom access and safety issues at each restroom. The vendor leasing the restroom stalls pumps them out daily and cleans them three times a day. Both restrooms have a sharps container for disposal of needles and syringes.

### **1. The cost to procure and operate each public restroom or to open an existing restroom for public use.**

Table 1 shows the cost information from the report:

**Table 1. Restroom Pilot Costs**

<b>Expense</b>	<b>Description</b>	<b>Monthly Cost One Location</b>	<b>Six-Month Cost Two Locations</b>
Planning	Coordination, evaluation, preparation to operate	One-time cost	\$70,716
Design and permitting	Feasibility review, siting, permitting costs	One-time cost	\$34,557
Delivery of portable	Cost to deliver to site	\$75	\$150
Installation	Translation, print, installation of signage; securing unit to concrete ecology block	One-time cost	\$2,000
Lease and maintenance of portable ADA compliant stall	Monthly lease, including cleaning 3x daily, pump out 1x daily	\$2,775	\$33,300
Lease and maintenance of portable handwash station	Monthly lease, including cleaning 3x daily, pump out 1x daily	\$2,700	\$32,400
Supplies	Sanitizer and seat covers	\$37	\$333
Transit Security Officer (contracted)	On-site 24 hours daily dedicated to monitoring access and safety of public restroom stall	\$33,000	\$395,000
<b>Total</b>		<b>\$38,587</b>	<b>\$568,567</b>

**2. The estimated monthly usage of each public restroom since it was opened for public use.**

The report provides charts showing usage of the public restroom stalls at each location monthly, daily, and hourly based on counts collected by the transit security officers. The report states that, through April 2024, average daily restroom usage is 32 at Aurora Village Transit Center (representing two percent of daily ridership) and 19 at Burien Transit Center (less than one percent of daily ridership). The report notes that use of both restrooms peaks in early afternoon and both are used during the night-time hours.

**3. The impact of the public restroom on safety and cleanliness at each transit center.**

The report states that Metro researched security and design considerations both regionally and nationally prior to installing the portable restrooms, and that, following guidance from the American Public Transportation Association (APTA), Metro funded an additional transit security officer at each transit center 24/7 to monitor safety issues at the restrooms. Table 2 shows Metro’s counts of security incidents at each transit center before and after increased security was initially added (two transit security officers were deployed at each transit center prior to the addition of the restrooms) and during the public restroom pilot with one additional security officer.

**Table 2. Security Incidents Each Month**

<b>Timeframe (Incidents/month)</b>	<b>Level of Security Staffing</b>	<b>Aurora Village Transit Center</b>	<b>Burien Transit Center</b>
Dec 2022 – March 2023	No security on site	12	16
April 2023 – June 2023	2 security officers (1:30pm – 5:30am daily)	9	15
July 2023 – Nov 2023	2 security officers 24/7	8	15
Dec 2023 – March 2024	2 security officers 24/7 + 1 restroom security officer 24/7	6	13

Summarizing that data, the report notes that there was a 25% decrease in safety incidents at Aurora Village Transit Center following the installation of the public restroom and addition of a security officer, and a 13% decrease at Burien Transit Center.

In terms of cleanliness, Table 3 summarizes information from the report about maintenance requests to address excrement at each transit center during the five months prior and the five months after the portable restrooms were installed.

**Table 3. Maintenance Requests Involving Excrement**

	<b>July 2023 – Nov 2023 (No restrooms)</b>	<b>Dec 2023 – April 2024 (Restrooms)</b>	<b>Percent Change</b>
Aurora Village	4	11	175%
Burien	18	13	-28%

The report states that, after installing the restrooms, Metro mailed a survey to each resident living within a quarter mile of each transit center.<sup>7</sup> The report states that 60% of Aurora Village survey respondents and 88% of Burien survey respondents noted that waste has been visible around their respective transit center.

**B. A plan to install, operate and maintain additional public restrooms at transit centers, including, but not limited to, the following:**

**1. A list of transit centers that meet the criteria outlined in K.C.C. 28.94.100 for provision of public restrooms, including an evaluation of whether changes to the criteria outlined in K.C.C. 28.94.100 would promote greater safety, security and cleanliness at transit centers.**

The report summarizes the criteria in the King County Code<sup>8</sup> regarding the provision of public restrooms at transit centers (see the Background section of this staff report for a summary of the Code requirements) and notes that none of Metro's transit centers currently meet the criteria, specifically that the level of activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.

The report notes that to comply with the budget proviso requirements, in the absence of an on-site supervisor at the Aurora Village and Burien transit centers, Metro contracted to provide additional transit security officers to provide on-site security for the restrooms and comply with the Code as much as possible.

The report notes that the two transit centers selected for the public restroom pilot do not meet other criteria in the Code, such as the number of buses per peak hour that pass through the transit center (16 per peak hour at Aurora Village and 23 per peak hour at Burien, compared with the Code's requirement of 25) and the daily platform population (Aurora Village, which has a daily platform ridership of 1,346 is lower than the Code's requirement of 2,000 or more).

**2. A proposed timeline to install additional public restrooms at the transit centers listed in response to subsection B.1. of this proviso.**

The report states that, because none of Metro's transit centers meet the requirements outlined in the Code for installing public restrooms, Metro does not intend to install any additional public restrooms.

The report states that Metro will maintain the portable public restrooms at Aurora Village and Burien transit centers through the end of 2024 because of the stated interest of the Council. However, since these transit centers do not meet the Code criteria for a public restroom, Metro plans to remove the portable public restrooms at the end of 2024. The report states that discussions with the Executive, Council, and the cities of Shoreline and Burien would be needed to pursue a different outcome.

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<sup>7</sup> Metro received 12 responses for Aurora Village and 34 responses for Burien Transit Center.

<sup>8</sup> KCC 28.94.100

Table 4 provides information from the transmitted report, listing the criteria for transit public restrooms in the King County Code, the transit centers that meet each requirement, and potential modifications that could be made to the Code. Metro operates more than three dozen transit centers, which are listed in the footnote below.<sup>9</sup>

**Table 4. Transit Centers Meeting Code Criteria for Public Restrooms**

<b>KCC 28.94.100 criteria to install a public restroom at a transit center</b>	<b>Transit Centers that Meet Criteria</b>	<b>Possible Code Modifications</b>
A.1. The transit center has been designed and sited principally to facilitate transfers between different routes.	All	
A.2. The transit center is to be developed off-street on property that the County either owns or controls through a long-term lease.	Auburn Aurora Village Burien Redmond	
A.3. County service through the transit center makes significant use of “timed meet” schedules.	All	
A.4. The transit center has capacity for eight or more in-service coaches; layover bays or terminal space do not county toward meeting this capacity requirement.	Auburn Aurora Village Burien Redmond	
A.5. There is adequate space on the transit center platform to provide a restroom facility without compromising operating requirements.	None	Define adequate per portable and permanent structures
A.6. A daily platform population of 2,000 or more patrons is projected. This includes transfer activity as well as trips originating or terminating at the center.	Burien	Adjust minimum to 10,000 to align with Sound Transit
A.7. At least 25 buses per peak hour pass through the transit center.	Redmond	
A.8. Independent of any decision to provide a public restroom, the level of operational activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.	None	Dedicated staffing to manage restroom access
B. If these criteria are met, the public restroom will be a gender-neutral facility that will be used both by County employees and by the general public. The restroom will only be available to the public for those hours when a department representative is scheduled to be on-site to manage the service. During those hours, public access to the facility will be controlled by this supervisor.	None	Adjust so public restrooms are distinct from operator comfort stations

<sup>9</sup> Transit centers include: Auburn Station, Aurora Village, Bellevue, Bel-Red/130<sup>th</sup> Station, Burien, Coal Creek Parkway Freeway Station, Downtown Redmond Station, East Main Street Station, Federal Way, Federal Way Downtown Station, I-405 & Totem Lake Freeway Station, Issaquah, Judkins Park Station, Kent Station, Kent-Des Moines Station, Kent Sounder Station, Kent-Des Moines Freeway Station, Kirkland, Lynnwood Station, Marymoor Village Station, Mercer Island Station, Mount Baker, Mountlake Terrace Station, NE 130<sup>th</sup> Street Infill Station, Northgate, Northgate LLR Station Access & N 103<sup>rd</sup> Street, Northgate Station, Othello Station Rail & MLK Jr Way S/S Othello Street, Overlake, Overlake Village Station, Rainier Beach Station Rail & MLK Jr. Way S/S Henderson Street, Redmond, Redmond Technology Station, Renton, Roosevelt Station Bay 6, Sea-Tac/Airport Station Rail & International Boulevard S/S 176<sup>th</sup> Street, Shoreline South/148<sup>th</sup> Station, SODO Station Rail & SODO Busway/S Lander Street, South Bellevue Station Plaza, Spring District/120<sup>th</sup> Station, Stadium Station Rail & SODO Busway/S Royal Brougham Way, Star Lake Station, Totem Lake, Tukwila International Boulevard Station, U District Station, Wilburton Station

**KCC 28.94.100 criteria to install a public restroom at a transit center**

**Transit Centers that Meet Criteria**

**Possible Code Modifications**

C. If a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department's normal staff assignments, the local jurisdiction or property owner and the County may elect to enter into an agreement to share the additional operating costs for expanded restroom hours; provided, that such agreements shall be approved by the Council as required by the King County Charter, ordinance, and/or applicable state law.

Given no transit centers are currently staffed, adjust language from may elect to dependent upon cost share agreement with local jurisdiction

D. The department shall not provide public restrooms at any of the County's customer facilities that do not meet the criteria above, including the Downtown Seattle Transit Tunnel.

E. The County will not staff its customer facilities simply to maintain or expand hours of access to public restrooms.

**3. Estimated costs to install, operate, and maintain public restrooms at each transit center listed in response to subsection B.1. of this proviso, including a comparison of these costs to rent a portable restroom or to install a permanent restroom structure.**

The report states that Metro researched the costs involved in installing permanent restroom structures, such as Portland Loos,<sup>10</sup> which the Department of Natural Resources & Parks has installed at Steve Cox Park in White Center. Table 5 summarizes the estimated one-time and ongoing annual costs to install one or two portable or permanent restrooms as summarized in the report.

**Table 5. Cost Comparison of Lease and Purchase Restroom Options**

	<b>Lease Two Portable ADA Stalls with Handwash Stations</b>	<b>Lease One Portable ADA Stall with Handwash Station</b>	<b>Purchase &amp; Install Two Permanent Modular Structure</b>	<b>Purchase &amp; Install One Permanent Modular Structure</b>
<b>One-Time Costs</b>				
Delivery	\$150	\$75	\$5,535	\$2,768
Installation	\$2,000	\$1,000	\$1,620,000	\$810,000
Purchase	\$0	\$0	\$320,000	\$160,000
<b>TOTAL</b>	<b>\$2,150</b>	<b>\$1,075</b>	<b>\$1,945,535</b>	<b>\$972,768</b>
<b>Ongoing Annual Costs</b>				
Lease Rate (includes cleaning)	\$132,288	\$66,144	\$0	\$0
Routine Cleaning	\$0	\$0	\$100,000	\$50,000
Security staffing (24/7 access)	\$790,000	\$395,000	\$836,000	\$418,000
<b>TOTAL</b>	<b>\$922,288</b>	<b>\$461,144</b>	<b>\$936,000</b>	<b>\$468,000</b>

<sup>10</sup> The Portland Loo ([link](#))

**C. Any legislation necessary to implement the transit public restroom initiative report.**

The report states that no legislation is needed at this time.

**AMENDMENT**

Amendment 1 would make technical corrections to Table 5 on page 22 of the transmitted report to correct several inadvertent math errors.

**INVITED**

- DeAnna Martin, Chief of Staff, Metro Transit Department
- Sarah Margeson, Government Relations Administrator, Finance & Administration Division, Metro Transit Department

**ATTACHMENTS**

1. Proposed Motion 2024-0212 (and its attachment)
2. Amendment 1
3. Transmittal Letter



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**Motion**

**Proposed No.** 2024-0212.1

**Sponsors** Dembowski

1           A MOTION relating to public restrooms at transit centers;  
 2           acknowledging receipt of the Transit Public Restroom  
 3           Initiative Report submitted in response to the 2023-2024  
 4           Biennial Budget Ordinance 19546, Section 114, Proviso  
 5           P1, as amended by Ordinance 19633, Section 86, Proviso  
 6           P1.

7           WHEREAS, the 2023-2024 Biennial Budget Ordinance 19546, unanimously  
 8           adopted by the King County council and signed by the executive, appropriated \$2.47  
 9           billion for the public transportation operating fund in the 2023-24 biennium, and

10          WHEREAS, Ordinance 19546, Section 114, Proviso P1, as amended by  
 11          Ordinance 19633 Section 86, Proviso P1, states that \$600,000 shall not be expended or  
 12          encumbered until the Executive transmits a transit public restroom report, and a motion  
 13          acknowledging receipt of the report is passed by the council, and

14          WHEREAS, Ordinance 19546, Section 114, Proviso P1, as amended by  
 15          Ordinance 19633, Section 86, Proviso P1, directs that the motion should reference the  
 16          subject matter, the proviso’s ordinance number, ordinance section and proviso number in  
 17          both the title and body of the motion, and

18          WHEREAS, Ordinance 19546, Section 114, Proviso P1, as amended by  
 19          Ordinance 19633, Section 86, Proviso P1, directs that the report shall include, but not be  
 20          limited to the following:



21           A. A description of the public restrooms installed, operated and maintained at the  
22 Aurora Village and Burien transit centers, including but not limited to the following:

23           1. The cost to procure and operate each public restroom or to open an existing  
24 restroom for public use;

25           2. The estimated monthly usage of each public restroom since it was opened for  
26 public use; and

27           3. The impact of the public restroom on safety and cleanliness at each transit  
28 center;

29           B. A plan to install, operate and maintain additional public restrooms at transit  
30 centers, including, but not limited to the following:

31           1. A list of transit centers that meet the criteria outlined in K.C.C. 28.94.100 for  
32 the provision of public restrooms, including an evaluation of whether changes to the  
33 criteria outlined in K.C.C. 28.94.100 would promote greater safety, security, and  
34 cleanliness at transit centers;

35           2. A proposed timeline to install additional public restrooms at the transit  
36 centers listed in response to subsection B.1. of this proviso; and

37           3. Estimated costs to install, operate and maintain public restrooms at each  
38 transit centers listed in response to subsection B.1 of this proviso, including a comparison  
39 of these costs to rent a portable restroom or to install a permanent restroom structure; and

40           C. Any legislation necessary to implement the transit public restroom initiative  
41 report, and

42           WHEREAS, the Metro transit department has compiled the required information  
43 and the executive has transmitted the Transit Public Restroom Initiative Report by June  
44 30, 2024, which is included as Attachment A to this motion;

45           NOW, THEREFORE, BE IT MOVED by the Council of King County:

46           The council hereby acknowledges receipt of the Transit Public Restroom

- 47 Initiative Report, Attachment A to this motion, as required by Ordinance 19546, Section  
48 114, Proviso P1, as amended by Ordinance 19633, Section 86, Proviso P1.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Rod Dembowski, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** A. Transit Public Restroom Initiative Report

## Transit Public Restroom Initiative Report

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June 2024



**King County**

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## II. Proviso Text

### ER1 EXPENDITURE RESTRICTION:

Of this appropriation, \$600,000 shall be expended or encumbered solely to install, operate, and maintain one public restroom at the Aurora Village transit center and one public restroom at the Burien transit center. The public restrooms may be portable or permanent structures. Existing restrooms may be used if they can be safely and appropriately opened to the public. Each public restroom shall include at least one stall.

### P1 PROVIDED THAT:

Of this appropriation, \$600,000 shall not be expended or encumbered until the executive transmits a transit public restroom initiative report and a motion that should acknowledge receipt of the report, and a motion acknowledging receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to, the following:

- A. A description of the public restrooms installed, operated, and maintained at the Aurora Village and Burien transit centers, including, but not limited to, the following:
  1. The cost to procure and operate each public restroom or to open an existing restroom for public use;
  2. The estimated monthly usage of each public restroom since it was opened for public use; and
  3. The impact of the public restroom on safety and cleanliness at each transit center;
- B. A plan to install, operate and maintain additional public restrooms at transit centers, including, but not limited to, the following:
  1. A list of transit centers that meet the criteria outlined in K.C.C. 28.94.100 for provision of public restrooms, including an evaluation of whether changes to the criteria outlined in K.C.C. 28.94.100 would promote greater safety, security, and cleanliness at transit centers;
  2. A proposed timeline to install additional public restrooms at the transit centers listed in response to subsection B.1. of this proviso; and
  3. Estimated costs to install, operate and maintain public restrooms at each transit centers listed in response to subsection B.1. of this proviso, including a comparison of these costs to rent a portable restroom or to install a permanent restroom structure; and
- C. Any legislation necessary to implement the transit public restroom initiative report. The executive should electronically file the report and motion required by this proviso no later than ~~((January 11, 2024))~~ June 30, 2024, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the transportation, economy and environment committee or its successor.

Ordinance 19546, Section 114, Metro Transit Department, P1 <sup>1</sup>  
Ordinance 19633, Section 86, Metro Transit Department, P1 <sup>2</sup>

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<sup>1</sup> Ordinance 19546 [\[LINK\]](#)

<sup>2</sup> Ordinance 19633 [\[LINK\]](#)

### III. Executive Summary

This report is provided in response to Ordinances 19546 and 19633. The report provides a description of the public restrooms installed, operated, and maintained at Aurora Village Transit Center and Burien Transit Center inclusive of the cost to procure and operate each, monthly usage, and impact on safety and cleanliness. This report also includes a list of transit centers that meet criteria outlined in King County Code 28.94.100 for the provision of public restrooms at transit centers. It also provides an evaluation of changes that would promote greater safety, security, and cleanliness and cost comparisons of portable and permanent restroom options as specified in the Ordinance.

Generally, King County Metro (Metro) has not installed, operated, nor maintained restrooms for public access. This is due to staffing models at transit centers not meeting criteria outlined in King County Code 28.94.100, public restroom policy for public transit. In 1999, Aurora Village Transit Center (AVTC) in the City of Shoreline was renovated, at which time a portable stall was placed on site for construction crews. Due to limited capacity to monitor access, over time the public began using the stall and ultimately the stall remained on site after renovations were completed. In accordance with King County Code (KCC) 28.94.100 outlining public restroom policy for public transit program, Metro approached the City of Shoreline to discuss sharing operational costs, though an agreement was not established. Metro continued to independently operate the stall until 2016 when it was removed following repeated incidents threatening security and public safety.

To inform Metro's planning to install, operate, and maintain a public restroom at Aurora Village and Burien Transit Centers as directed by the proviso, Metro staff researched standard practices nationally and consulted with peer agencies regionally including Sound Transit and the City of Seattle. Within the transit sector nationally, restrooms are often located within fare paid zones facilitating passenger access at major hubs. Large transit agencies across the country typically lock the restrooms with access given by request. The San Diego Metropolitan Transit System operates fixed route bus, rapid bus, and light rail serving approximately 3 million people. The system provides restrooms within rail stations during operating hours, with on-site security to monitor access.<sup>3</sup> The American Public Transportation Association (APTA) recognizes that restrooms can become significant security risks if they are not effectively designed and managed. APTA points out that public restrooms located outside of the fare paid zones are likely used by more people than those located within fare paid zones. Such restrooms may be more difficult to secure and monitor, requiring increased funding for more security mitigations to assist in monitoring.<sup>4</sup> As part of APTA's Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities, a risk assessment is recommended to examine risk to personnel, assets, infrastructure, and the operating environment.

Sound Transit currently has 10 passenger restrooms throughout its system. The Sound Transit Executive Committee plans to consider adopting revisions to their restroom policy which staff are recommending adding criteria to guide siting inclusive of the provision within fare paid zones.<sup>5</sup> Currently, Sound Transit

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<sup>3</sup> Restrooms at Trolley Stations. (2024) San Diego Metropolitan Transit System [\[LINK\]](#)

<sup>4</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. America Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>5</sup> Sound Transit 2024 Executive Committee Work Program (2024) [\[LINK\]](#)



stations with restrooms have security on site while the restroom is accessible, although security is not focused on the restroom and may be in other parts of the station. Recent station renovations have added cameras to enable remote monitoring, though Sound Transit facility managers' report cameras are often vandalized, and restrooms are used for illicit activity such as drug distribution. Facility managers noted restrooms are often closed due to vandalism and misuse, which limits accessibility. Sound Transit staff are recommending an update to their restroom policy, Motion No. M98-67, to include use of customer service and janitorial presence to monitor and clean the passenger restrooms.

To respond to community concerns in alignment with values outlined in King County's Equity and Social Justice Strategic Plan and ongoing efforts of the Safety, Security, and Fare Enforcement Reform Initiative, Metro is operating the restrooms 24 hours daily.<sup>6</sup> Based on APTA's recommended practice, King County Metro's Strategic Plan for Public Transportation, peer agency consultation, and Metro's Risk Management Framework, Metro allocated an additional security officer at each location focused on monitoring access and maximizing public safety in and around the public restrooms.<sup>7</sup> A single portable stall compliant with the Americans with Disabilities Act and a supplemental handwash station was installed at Aurora Village Transit Center in December 2023 and at Burien Transit Center in January of 2024. Both units are cleaned three times a day by the vendor leasing the units to Metro.

The public restroom pilot was planned for six months at a total estimated cost of \$568,567. Through April 2024, average daily restroom usage at AVTC is 32, while at Burien Transit Center it is 19.<sup>8</sup> Analyzing average daily restroom usage compared to average daily ridership, at AVTC usage represents two percent of ridership while at Burien usage represents less than one percent. Comparing the average count of monthly security incidents in the five months before restrooms were installed to the four months post installation, data from AVTC demonstrates a 25 percent decrease while at Burien Transit data illustrates a 13 percent decrease. While Metro has not received complaints of cleanliness specific to the public restroom, bus operators continue to observe excrement throughout both transit centers. Data from Metro's Transit Control Center, which processes requests from Metro operators, demonstrates the number of maintenance requests involving excrement, increased by 175 percent at AVTC and decreased by 33 percent at Burien Transit Center in the immediate five months after the restrooms were installed. Community feedback has been positive for AVTC, commending Metro for responsiveness to cleanliness and access to public restrooms.

Though originally only planned as a six-month pilot, which would expire during the summer of 2024, Metro intends to operate both locations through 2024. Metro's transit centers, including the two pilot locations, do not meet multiple criteria outlined in King County Code 28.94.100 guiding the provision of public restrooms at transit centers. Metro intends to comply with the code as written and therefore will cease operations of the public restrooms at the end of 2024.

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<sup>6</sup> King County Equity and Social Justice Strategic Plan (2016-2022) [\[LINK\]](#)

<sup>7</sup> King County Metro Strategic Plan for Public Transportation (2021) [\[LINK\]](#) King County Metro Risk Management Framework (2020) [\[LINK\]](#)

<sup>8</sup> King County Metro Power BI Public Restroom Proviso Data (2024) [\[LINK\]](#)

## IV. Background

### Department Overview

King County Metro (Metro) is the Puget Sound region's largest public transportation agency. Metro provides bus, paratransit, vanpool, and water taxi services, and operates Seattle Streetcar, Sound Transit Link light rail, and Sound Transit Express bus service. Metro is committed to providing safe, equitable, and sustainable mobility, and prioritizing service where needs are greatest. As of February 2024, Metro had a 14-day rolling weekday average ridership of 257,254 on fixed route bus. Metro operates more than 200 bus routes and owns five transit centers.

### Key Historical Conditions

In 2001, the Seattle City Council approved spending \$5 million to import five modular restroom units from Germany to replace portables in Pike Place Market, the waterfront, Pioneer Square, Chinatown International District, and Capitol Hill. After installation in 2004, the self-cleaning stalls became clogged with trash and became the site of illicit activity. In 2008, Seattle City Council voted unanimously to remove them.<sup>9</sup>

While there are more than 200 public restrooms in Seattle, most are closed at night.<sup>10</sup> A report conducted by Seattle Office of City Auditor, found that in 2018, only six public restrooms were open 24 hours a day, seven days per a week. These include two permanent structures at Green Lake Park and four portable units funded by Seattle Human Services Department in Ballard, West Seattle, Lake City Park, and Belltown.<sup>11</sup> Health and safety issues have been observed at all of the six restrooms including: broken Americans with Disabilities (ADA) compliant railings; a lack of interior lights and sharps containers; syringe parts in and around the facilities; and a lack of sanitizer in units.

In September 1998, Sound Transit adopted station design standards and policy for public restrooms.<sup>12</sup> At the time, staff recommended public restrooms be provided where most warranted, with greatest security, where staff are already available, and where routine maintenance can be provided, with cost-sharing with all agencies utilizing facilities, and concessions to generate revenue to cover operating costs.

In late 2021, Sound Transit updated its restroom policy to provide passenger only restrooms throughout the system, utilizing a mix of security and customer service staff to control access to the restrooms.<sup>13</sup> Between 1998 and 2021 decisions about siting of public restrooms were made on a project-by-project basis. The revised policy added the following criteria to guide siting of restrooms:

- Minimum 10,000 boardings per day
- Multi-modal locations with five routes or more
- Approximately 20-minute ride to the next passenger restroom

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<sup>9</sup> Fiscal Note to Resolution 31057. May 19, 2008. City of Seattle [\[LINK\]](#)

<sup>10</sup> Jones, David, G. (2019) Review of Navigation Team 2018 Quarter 2 Report. Seattle Office of City Auditor. [\[LINK\]](#)

<sup>11</sup> Jones, David, G. (2019) Review of Navigation Team 2018 Quarter 2 Report. Seattle Office of City Auditor. [\[LINK\]](#)

<sup>12</sup> Motion No.98-67 (1998) Station/Facility Design Issues in Common for Commuter Rail, Link Light Rail, and Regional Express. Sound Transit [\[LINK\]](#)

<sup>13</sup> Resolution No. R2021-15 (2021) Passenger Restroom Policy Update. Sound Transit [\[LINK\]](#)

Historically, Metro has not installed, operated, nor maintained restrooms for public access since staffing models at transit centers have not met the criteria in King County Code outlining public restroom policy for public transit.<sup>14</sup> Aurora Village Transit Center (AVTC) in Shoreline was renovated in 1999, at which time a portable restroom was installed on site for construction crews. Due to limited capacity to monitor access, the portable was also used by the public and it remained on site after the renovation was completed for public access. In accordance with King County Code, Metro approached the City of Shoreline to request an agreement to share operational costs though an agreement did not materialize. The portable remained onsite until November 2016 when it was removed following a multi-year pattern of incidents posing safety and security concerns.

In February 2017, Echo Lake Townhomes Board reached out to the City of Shoreline to express concerns about excrement on the residential property adjacent to AVTC. Metro communicated the challenges maintaining a safe environment for patrons using the portable restroom as rationale for the decision to remove it in 2016. The City of Shoreline operates a public restroom five hundred feet due south of the transit center at Echo Lake Park, directly across the street from AVTC. The restroom has frequently been vandalized over the years. In 2015, the park and the restroom were renovated using principles of Crime Prevention Through Environmental Design to deter people from living or conducting illicit activity in the park.<sup>15</sup> The renovated restroom continued to be a site of illicit activity and vandalism before it was closed by the City of Shoreline in 2019 after severe fire damage. The City of Shoreline approved the purchase of a Portland Loo, a modular stand-alone stall constructed of stainless steel for durability and designed to deter illicit activity.<sup>16</sup> While City of Shoreline replaced the restroom in 2020 with a Portland Loo, it is only accessible during the day, which adjacent residents attribute as a contributing factor to excrement observed on their property. While the Portland Loo at Echo Park has withstood vandalism, neighbors report to Metro they continue to observe human waste in the park, on their adjacent residential community, as well as at the AVTC.

In June 2020, amid growing awareness of racial injustices both regionally and nationally, King County Executive Constantine declared racism a public health crisis and reaffirmed King County's commitment to becoming anti-racist and pro-equity. In response, Metro began its agency-wide Safety, Security, and Fare Enforcement (SaFE) Reform initiative in January 2021. The initiative's 2022-2023 priorities focus several strategies on the same locations identified by King County Council for the installation of public restrooms, Aurora Village and Burien Transit Centers.<sup>17</sup> The focused strategies involve assignment of two security officers at each location who have been on-site 24 hours daily since July of 2023. At Burien Transit Center behavioral support specialists are on site daily for a daytime and evening shift to support de-escalation, crisis intervention, and connection to social services.

In June of 2020, King County Sheriff's Office & Shoreline Police reached out to Metro to share feedback received from residents of Echo Lake Townhomes regarding excrement on the residential property adjacent to the transit center. In fall of 2020, residents of Echo Lake Townhomes also directly contacted Metro to express concern and request a public restroom be installed at AVTC again. Metro staff

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<sup>14</sup> King County Code 28.94.100 Public Restroom Policy for Public Transit Program [\[LINK\]](#)

<sup>15</sup> Shoreline Area News. (2015) The New Echo Lake Park. City of Shoreline. [\[LINK\]](#)

<sup>16</sup> Staff Report (2019) Authorizing the City Manager to Execute a Contract with Madden Manufacturing to Purchase a Portland Loo Single Occupant Public Toilet. City of Shoreline, Washington. [\[LINK\]](#)

<sup>17</sup> King County Metro Safety, Security, and Fare Enforcement Reform Initiative (2022-2023) [\[LINK\]](#)

responded to residents and King County Sheriff’s Office in 2020 and continued to follow up with the Echo Lake Townhome Association by attending their community meetings in October of 2022 and 2023.

### Key Current Conditions

Seattle ranks among the top 15 cities nationally with the highest density of public restrooms with 17 per every 100,000 residents.<sup>18</sup> Most of the city’s public restrooms are at parks, libraries, or post-secondary education campuses managed by various public agencies. Following the COVID-19 pandemic, the rapid increase in people living outside both nationally and within Washington, increasing 11 percent from 2022 to 2023, has increased demand for public restrooms.<sup>19</sup> Concurrently rising rates in drug addiction and overdose deaths, increasing 32 percent in King County from 2022-2023 has posed new challenges to maintaining safety within and around public restrooms.<sup>20</sup> Physicians who treat addiction patients recommend public restrooms contain biohazard boxes for needles and be actively monitored.<sup>21</sup>

Within the transit sector nationally, the standard practice for the provision of public restrooms is to site them within fare paid zones at major hubs so they are accessible only to passengers.<sup>22</sup> Large transit agencies across the country typically keep the restrooms locked with access by request. For example, the San Francisco Bay Area Rapid Transit (BART) is a heavy rail public transit system with average weekday ridership of approximately 150,000. During operating hours, BART provides attendants to monitor restroom access.<sup>23</sup> The San Diego Metropolitan Transit System operates fixed route bus, rapid bus, and light rail serving approximately 3 million people. The system provides passenger restrooms within rail stations or in partnership with nearby businesses. Most of the restrooms provided within rail stations during operating hours involve on-site security to monitor access.<sup>24</sup>

The Los Angeles County Metropolitan Transportation Authority (LA Metro) operates bus and rail within a service area serving 10 million residents. Historically, LA Metro has only provided three public restrooms throughout their 140 rail and bus transit centers.<sup>25</sup> In the fall of 2023, LA Metro started a six-month pilot with Throne Labs, a start-up provider of innovative portable self-contained restrooms at three of their busiest rail stations for passengers and one for operators. Throne units have bright lights, sinks with running water, ventilation systems, and 21 internet sensors enabling remote access, monitoring of length of use, maintenance needs and illicit activity. Restroom access is granted via app or QR code on a smart phone, text message request. Access exclusively by phone may impact equity of access so the

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<sup>18</sup> Which Cities Have the Most Toilets in the US and the World? (2024) Portland Loo. [\[LINK\]](#)

<sup>19</sup> Annual Homeless Assessment Report (2023) Office of Policy Development and Research. U.S. Department of Housing and Urban Development. [\[LINK\]](#)

<sup>20</sup> Overdose Deaths Data Dashboard. Trends in Overdose Deaths that Occurred in King County 2014 – 2023. King County Medical Examiner’s Office. [\[LINK\]](#)

<sup>21</sup> Bebinger, M. (2017) Public Restrooms Become Ground Zero in The Opioid Epidemic. All Things Considered National Public Radio. [\[LINK\]](#)

<sup>22</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>23</sup> Restroom Attendant Program. (2022) San Francisco Bay Area Transit. [\[LINK\]](#)

<sup>24</sup> Restrooms at Trolley Stations. (2024) San Diego Metropolitan Transit System [\[LINK\]](#)

<sup>25</sup> Our Pilot Program to Test Restrooms for Riders and Staff Begins This Month at Four Metro Stations. (2023) Los Angeles County Metropolitan Transportation Authority. [\[LINK\]](#)

start-up is exploring access by transit card. A report of pilot outcomes is anticipated to the Metro Board in April of 2024, but were not available at the time of this report.<sup>26</sup>

During 2024, the Sound Transit Executive Committee plans to review and consider adoption of a public restroom policy updating Motion number 98-67.<sup>27</sup> During consultation, staff shared they are proposing a combination of security and customer service presence to monitor the restrooms during daily operating hours.

In 2021 Metro began its Safety, Security, and Fare Enforcement (SaFE) Reform initiative in support of the King County Executive's declaration of racism as a public health crisis. One of SaFE's implementation priorities is a behavioral health support pilot in partnership with King County Department of Community and Human Services.<sup>28</sup> The pilot involves providing behavioral health specialists outreach services at the Burien Transit Center through a day and evening shift daily. The outreach team provides de-escalation, crisis intervention, peer support, and connection to social support services to community members in crisis. Metro Security Officers will be present at both locations to provide additional support.

As part of the SaFE Reform initiative, Metro conducted a series of walking tours with community partners. The tour of Aurora Village Transit Center in September of 2023 included Compass Housing Veterans Center, North Urban Human Services Alliance, and Echo Lake Neighborhood Association along with a discussion of the public restroom pilot in development at the time. Community members reported to Metro that the Portland Loo at Echo Park has withstood vandalism better than prior restrooms on site, but it continues to be closed for extended periods due to pipes bursting during freezing winter temperatures. Residents continue to report to Metro the observance of excrement in the park and their adjacent residential property which they communicated to King County Council, prompting this Proviso.

### Report Methodology

Planning and preparation to install, operate, and maintain one public restroom at Aurora Village and Burien Transit Centers began in April 2023. A portable stall was installed at AVTC in December 2023 and at Burien Transit Center in January 2024. Planning, implementation, evaluation, and composition of this report involved multiple divisions of Metro including: the General Manager's Office; Transit Facilities; Capital; Safety, Security, and Quality Assurance; Mobility, and Finance and Administration.

- Leadership in the General Manager's Office provided oversight, direction, and communication with Council and the Executive Office. The Partnerships and Engagement team led the walking tour and outreach related to the SaFE Reform initiative.
- Government relations staff in the Finance and Administration division managed the project inclusive of planning, evaluation, analysis of King County Code, and composition of the report. Government relations staff analyzed pilot data, researched recommended practice nationally, and consulted with peer agencies regionally to inform pilot plan and recommendations outlined in the report.

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<sup>26</sup> Scauzillo, S. (2023) Toliets at LA Metro Train & Bus Stations Are Very Rare, But Four Are Being Tested At Busy Stops. Los Angeles Daily News. [\[LINK\]](#)

<sup>27</sup> Executive Committee Work Program (2024) Sound Transit [\[LINK\]](#)

<sup>28</sup> SaFE Reform Initiative (2023) King County Metro [\[LINK\]](#)

- The Safety, Security, and Quality Assurance division informed the team of safety considerations, managed the contract security staff, and on-site data collection.
- The Transit Facilities division informed operational considerations relative to siting, staffing, and installation and managed data regarding cleanliness.
- The Capital division led siting at each location, permitting, vendor procurement, contract management, and supported cost analysis for permanent options.
- The research team in the Mobility division designed the survey, observation protocol, and customer communications strategy in collaboration with project lead and analyzed survey findings.

### Community Outreach

Metro utilized several methods of community outreach, including conducting walking tours with community organizations, participating in neighborhood association meetings, requesting feedback via survey to residents, compiling research on historical context at each location, and interviewing community members. As part of the SaFE Reform initiative, Metro conducted a series of walking tours with community partners. The tour of Aurora Village Transit Center in September 2023 included representatives of the Compass Housing Veterans Center, the North Urban Human Services Alliance, and the Echo Lake Neighborhood Association along with a discussion of the public restroom pilot in development at the time. Staff from the General Manager’s Office and leadership from Safety, Security, and Quality Assurance attended the Echo Lake Neighborhood Association meeting in October 2023 to listen and understand resident concerns.

Residents living within a quarter mile of both Aurora Village and Burien Transit Centers received a postcard with options to answer survey questions via computer, smartphone, or in writing. The brief survey involved both rating and narrative response to evaluate perceptions of safety, cleanliness, and restroom access. Metro surveyed residents two months after the public restrooms were installed at each location in February and March of 2024. The postcards and the survey were translated into both Spanish and Simplified Chinese. To incentivize participation in the survey, Metro offered a gift card raffle to respondents. Staff reached out to both the City of Shoreline and the City of Burien to request support in communicating awareness of the survey via neighborhood associations and city communications. Metro mailed a total of 2,241 postcards, with 495 to residents living within a quarter mile of AVTC and 1,746 living within a quarter of Burien Transit Center. The response rate for Aurora Village was one percent and for Burien Transit Center it was two percent.

Multiple Metro staff conducted informal interviews and ongoing engagement with community advocates living adjacent to AVTC, who provided insight on community context relative to restroom access at both the Transit Center and the adjacent Echo Lake Park based on their daily observations. Direct feedback from engaged community members informed planning of both the pilot and permanent options Metro explored.

## Data Collected

Table 1 Data Collected Through Public Restroom Pilot

Source	Data
On-site Observation Protocol	Count of restroom usage hourly, daily, and monthly
	Time to access restroom (wait time)
	Behavior around restroom (people congregating)
	Illicit behavior in/around restroom
	Cleanliness of restroom
Customer Communication & Services	Public initiative feedback via call or online form
Survey Responses	Level of concern of cleanliness in/around transit center
	Extent of visible garbage or waste in/around Transit Center
	Extent of visible garbage or waste in/around home
	Awareness of Metro efforts to improve cleanliness
	Perception of safety change at transit center
	Level of satisfaction with cleanliness and availability of public restrooms
	Observations about conditions at 2 transit centers and how they could be improved
Metro Performance Business Intelligence Dashboards	Platform ridership volume
	Bus volume during peak hours
	Count of security incidents on-site
	Type of security incidents on-site
Transit Control Center	Count of operator maintenance requests involving excrement at each location

## Legal Elements

The King County Prosecuting Attorney’s Office provided legal analysis of the report. Additionally, the following regulatory requirements were also complied with during siting of the portable at each location.

- Americans with Disabilities Act (ADA)
  - Standards for Accessible Design, Title II, and Title III regulate requirements for facilities to be physically accessible to people with disabilities.<sup>29</sup>
- City of Burien Permit Regulations
  - The City of Shoreline waived their permit process for the portable at AVTC

If King County pursues permanent modular units, the following state policy would apply.

- Washington State Department of Labor & Industries

<sup>29</sup> Americans with Disabilities Standards for Accessible Design [\[LINK\]](#)

- Factory Assembled Structures Laws and Rules (Revised Code of Washington 43.22, 43.22A and Washington Administrative Code Title 296-Chapter 49A and 150F).<sup>303132</sup>

## V. Report Requirements

### A. A Description of the Public Restrooms Installed, Operated, and Maintained at the Aurora Village and Burien Transit Centers

In response to the Proviso directive to install at least one public restroom stall at each location, Metro initially planned to install a portable trailer with four stalls and sinks at each location. Metro did not consider permanent structures for the initial evaluative pilot phase, given time constraints and interest in collecting additional information before planning permanent solutions. Metro originally selected a trailer with a multiple stalls option to address concerns of safety and vandalism, while providing the highest quality of service. Ultimately, electrical capacity constraints at each location presented challenges that would have significantly delayed installation and led to notable cost increases.

To address the electrical constraints and, given the time sensitive nature of the Proviso, Metro revised the initial plan and installed a single portable stall that is ADA compliant and gender neutral at each location, with an external handwashing station. The plastic stalls and handwash stations do not require electricity nor connection to plumbing, as they are self-contained units with tanks and a translucent roof to support interior visibility. The stalls are wheelchair accessible with adequate turning space through the approximate footprint measurements of ten feet by six feet. The handwash station provides touchless sanitation with soap and paper towel holders.

Figure 1 Single Portable ADA Compliant Restroom Installed at AVTC

Figure 2 Single Portable ADA Compliant Restrooms Installed at Burien Transit Centers



<sup>30</sup> Revised Code of Washington Chapter 43.22 – 43.22A. [\[LINK\]](#)

<sup>32</sup> Washington Administrative Code Title 296 Chapter 49A & 150F Factory Built Housing & Commercial Structures. [\[LINK\]](#)



At AVTC, the portable stall and sink are installed next to the rider platform near Bay 2. The portable and sink are located across two parking spaces in the southeast corner of the adjacent parking lot. At the Burien Transit Center, the portable stall and sink are located next to the entrance of the park and ride garage. At both locations the stalls are anchored to a cement ecology block as a theft prevention tactic with another block alongside as a barrier. Siting at both locations involved assessment of lighting and line of sight from the rider platforms to maximize visibility of both transit and local security officers to maximize safety. Metro prioritized accessibility of people with physical disabilities during siting.

Figure 3 Aerial View of Aurora Village Transit Center  
 Figure 4 Aerial View of Burien Transit Center



Given extensive community member and Metro staff concerns regarding safety in and around public restrooms, Metro is providing an additional security officer on site 24 hours a day to monitor access and any behavior that may threaten public safety. Metro considered reduced levels of security staffing, such as limiting use to typical office commute time frames or only overnight, in an effort to reduce costs. To mitigate the risk of increased security incidents, address concerns of residents of adjacent property, align with national standard practice, and provide the highest level of customer service, Metro decided to have a security officer dedicated to managing access and safety of the public restrooms which remain open during bus operations from 4 a.m. – 2 a.m. daily. Metro contracted Security Services Northwest to provide on-site staffing.

The vendor leasing the stalls pumps them out daily and cleans them three times a day. Metro outsourced maintenance due to staffing levels required to ensure cleanliness, along with labor contract constraints relative to the handling of syringes. Both stalls have a sharps container adhered to the interior wall for safe disposal of needles and syringes.

The costs to procure and operate the two portables and handwash stations at both locations are itemized below to illustrate the monthly unit cost per location and total costs. Maintenance costs are based on the pilot plan of vendor-conducted daily cleaning. If Metro staff cleaned the units, it would

entail labor contract negotiations. The contract security officer cost is specific to the management of the restroom and independent of security costs associated with the SaFE Initiative. The expense list below does not include Metro administrative expenses associated with staff time to research, evaluate, and compose this report.

Table 2 Costs of Pilot

Expense	Description	Monthly Unit Cost Per One Location	6 Month Cost Per Two Locations
Planning	Cross division coordination, evaluation of options, & preparation to operate	One-Time Cost	\$70,716
Design & permitting	Feasibility Review, Siting, & Permitting Costs	One-Time Cost	\$34,557
Delivery of Portable	Cost to Deliver to Site	\$75	\$150
Installation	Translation, Print, & Installation of Signage, Securing Unit to Ecology Block	One-Time Cost	\$2,000
Lease & Maintenance of Portable ADA Compliant Stall	Monthly lease rate inclusive of cleaning x3/daily and x1/daily pump out	\$2,775	\$33,300
Lease & Maintenance of Portable Handwash Station	Monthly lease & cleaning x3/daily and x1/daily pump out	\$2,700	\$32,400
Supplies	Sanitizer & seat covers	\$37	\$444
Contract Security Officer	On-site 24 hours daily dedicated to monitoring access & safety of public restroom stall	\$33,000	\$395,000
<b>TOTAL</b>		<b>\$38,587</b>	<b>\$568,567</b>

The figures below illustrate usage of the public restroom stalls at each location monthly, daily, and hourly. The security officer on site dedicated to managing access to the public restroom collected usage counts. Through April 2024, average daily restroom usage at AVTC is 32, while at Burien Transit Center it is 19.<sup>33</sup> Analyzing average daily restroom usage compared to average daily ridership, at AVTC usage represents two percent of ridership while at Burien usage represents less than one percent. Use of both stalls peaks in early afternoon and both are used throughout the overnight timeframe.

<sup>33</sup> King County Metro Power BI Public Restroom Proviso Data (2024) [\[LINK\]](#)

Figure 5 Monthly Restroom Usage by Location

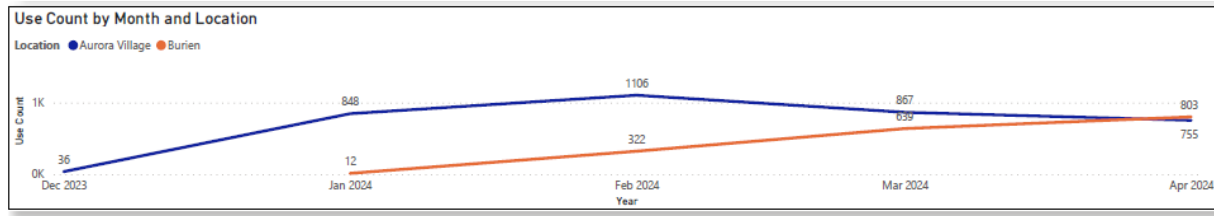


Figure 6 Daily Restroom Usage by Location

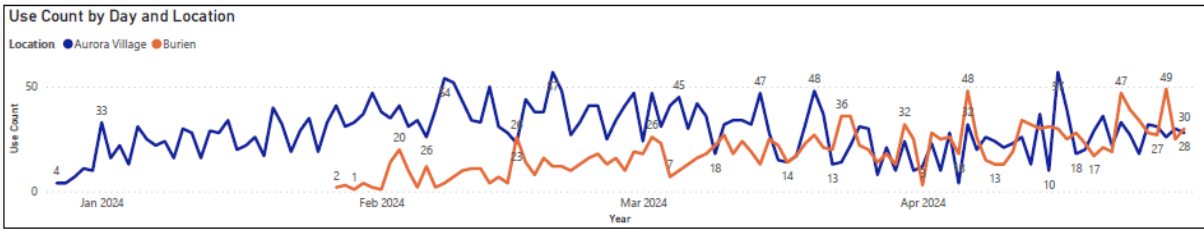
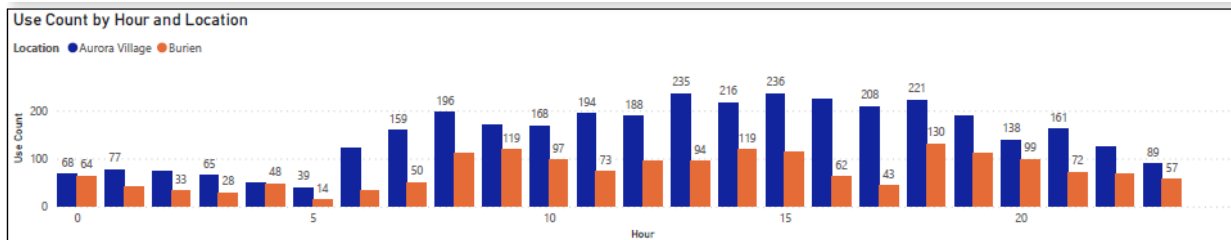


Figure 7 Hourly Restroom Usage by Location



Throughout planning of the public restrooms at the two locations, community members and Metro staff voiced concerns of safety based on historical data at proximate locations such as the portable installed during renovation of AVTC which attracted illicit activity and the public restroom at Echo Lake Park across the street from AVTC which has been vandalized many times and has been the site of on-going illicit activity.<sup>34</sup> Metro staff researched security and design considerations both regionally and nationally to inform planning to maximize public safety in and around the restrooms. The American Public Transportation Association (APTA) recommends increased funding to provide additional security measures to assist in monitoring restrooms that are located outside the paid fare zone and therefore open to public access.<sup>35</sup> Based on APTA’s security and emergency management standards, Metro planned and implemented an additional security officer on site 24 hours daily at both public restroom locations to mitigate safety concerns and monitor access to the restrooms.

In response to community concerns, Metro is operating the restrooms 24 hours daily in alignment with King County’s Equity and Social Justice Plan.<sup>36</sup> Residents living adjacent to the Aurora Village Transit

<sup>34</sup> Currents News from the City of Shoreline (September 2019) City of Shoreline.Vol.21 No7. [\[LINK\]](#)

<sup>35</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>36</sup> King County Equity and Social Justice Plan (2016). King County [\[LINK\]](#)

Center and Echo Lake Park expressed concern that overnight closure of the public restroom at Echo Lake Park is a contributing factor to the observance of excrement on their residential property. Given the historical context of people living outside proximate to both transit centers, Metro decided providing access 24 hours daily would be most responsive to community concerns.

As part of the SaFE Reform initiative, prior to installation of the public restrooms, two security officers have been on site at both locations since the spring of 2023. Initially, in April of 2023, two security officers were on site from 1:30pm-5:30am. In July, two security officers were on site 24 hours daily. When the public restrooms were installed in December at AVTC and January at Burien Transit Center, an additional security officer was deployed on site to focus on monitoring the restrooms. Since installation of the public restrooms, the number of security incidents at each location has decreased.

Table 3 Count of Security Incidents Before and During Operation of Public Restrooms

	Time	Level of Security Staffing	AVTC	Burien
Average Count of Monthly Security Incidents Per Each Pilot Location	December 2022 – March 2023	No Security on Site	12	16
	April 2023 – June 2023	2 security officers deployed 1:30pm-5:30am daily	9	15
	July 2023 – November 2023	2 security officers deployed 24/7 daily	8	15
	December 2023 – March 2024	Public restroom pilot phase 1 additional security officer deployed 24/7 with 2 officers throughout transit center 24/7	6	13

Comparing the average count of monthly security incidents in the five months before restrooms were installed to the four months post installation, data from AVTC illustrates a 25 percent decrease while Burien Transit data demonstrates a 13 percent decrease.

Metro has not received requests for cleaning of the restroom stalls specifically. A vendor cleans both stalls three times a day. Based on data from Metro’s Transit Control Center, which processes requests from Metro operators, from December 2023 to April 2024, there have been 11 counts of maintenance requests involving excrement at AVTC and 13 counts at Burien Transit Center, despite the presence of a public restroom stall on site accessible 24 hours daily. For comparison, in the five months prior to installation of the restrooms, July 2023 through November 2023, the count of maintenance requests involving excrement was four at AVTC and 18 at Burien Transit Center. The number of maintenance requests involving excrement increased 175 percent at AVTC and decreased 28 percent at Burien Transit Center in the immediate five months post installation of the public restroom stall. Metro’s Customer Call Center, which processes feedback and requests from the public, has only received two complaints of excrement at AVTC from December 2023 to April 2024 and none were received specific to Burien Transit Center.

Table 4 Count of Maintenance Requests Involving Excrement at Each Location

	July 2023 – November 2023 (5 Months Prior to Restroom Installation)	December 2023 – April 2024 (5 Months Post Restroom Installation)	Percent Change
AVTC	4	11	175%
Burien Transit Center	18	13	-28%

To evaluate community member perceptions of cleanliness, Metro administered a survey to residents living within a quarter mile of both transit centers two months after the restrooms were installed. A vendor provided mailing lists of residents living within a quarter mile of each transit center, resulting in 495 addresses proximate to AVTC and 1,746 proximate to Burien Transit Center. Based on review of demographic data in the associated census blocks, surveys were translated into both Spanish and Simplified Chinese with response options available online or by paper. Requests to complete the survey were sent to residential mailing addresses via a postcard.

Survey response rates were below two percent for both surveys despite incentives offered for completing. Regarding cleanliness at AVTC, 60 percent of survey respondents noted some waste has been visible around the Transit Center. An interview with a highly engaged resident living nearby AVTC who walks through the transit center daily, has reported increased cleanliness both prior to and post installation of the public restrooms. Regarding cleanliness at Burien Transit Center, 88 percent of respondents noted there was some waste visible around the transit center.<sup>37</sup> Comments from the survey, noted consistent visibility of drug paraphernalia, trash, and excrement around Burien Transit Center with multiple respondents requesting more security on site. Metro’s customer call center has not received direct complaints about excrement on site at Burien Transit Center.

Figure 8 Community Reaction to Installation of Public Restroom at AVTC



Overall, direct community feedback received via email from local advocates has been positive about installation of the public restroom at AVTC, level of security staffing to monitor access and support public safety, as well as cleanliness in and around AVTC. Feedback noted reports of excrement around residential property and occasionally at the transit center. This feedback is consistent with Metro’s facility data. Specific design elements community members valued were accessibility throughout the night and presence of security on site to monitor access and promote public safety.

<sup>37</sup> Metro Public Restroom Resident Survey (2024) [\[LINK\]](#)

## B. A Plan to Install, Operate, and Maintain Additional Public Restrooms at Transit Centers

In 1995 Ordinance 11962 added a new section to King County Code 28.94.100 entitled: Public Restroom Policy for Public Transit Program outlining the following criteria to guide the provision of public restrooms at transit centers.<sup>38</sup>

- A. The County will provide public restrooms at transit centers that meet the following criteria.
  1. The transit center has been designed and sited principally to facilitate transfers between different routes.
  2. The transit center is to be developed off-street on property that the county either owns or controls through a long-term lease.
  3. County service through the transit center makes significant use of “timed meet” schedules.
  4. The transit center has capacity for eight or more in-service coaches; layover bays or terminal space do not count toward meeting this capacity requirement.
  5. There is adequate space on the transit center platform to provide a restroom facility without compromising operating requirements.
  6. A daily platform population of 2,000 (two thousand) or more patrons is projected. This includes transfer activity as well as trips originating or terminating at the center.
  7. At least 25 (twenty-five) buses per peak hour pass through the transit center.
  8. Independent of any decision to provide a public restroom, the level of operation activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.
- B. If these criteria are met, the public restroom will be a gender-neutral facility that will be used both by county employees and by the general public. The restroom will only be available to the public for those hours when a department representative is scheduled to be on-site to manage the service. During those hours, public access to the facility will be controlled by this representative.
- C. If a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department’s normal staff assignments, the local jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs for expanded restroom hours; provided, that such agreements shall be approved by the council as required by the King County Charter, ordinance and/or applicable state law.
- D. The department shall not provide public restrooms at any of the county’s customer facilities that do not meet the criteria above, including the Downtown Seattle Tunnel.
- E. The county will not staff its customer facilities simply to maintain or expand hours of access to public restrooms.

The Code was last revised in 2018 via Ordinance 18670 making minor technical adjustments such as spelling out numbers and changing “unisex” to “gender neutral.”<sup>39</sup> Based on Metro’s analysis of the KCC 28.94.100 criteria, none of Metro transit centers meet criteria eight. Criteria eight notes that independent of any decision to provide a public restroom, the level of operational activity at the transit

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<sup>38</sup> Ordinance 11962 (1995) King County Legislative Search. [\[LINK\]](#)

<sup>39</sup> Ordinance 18760. (2018) King County Legislative Search. [\[LINK\]](#)

center justifies the on-site assignment of a service supervisor for all or a portion of the operating day. None of Metro transit centers have staff assigned on-site for all nor a portion of the day. Metro operations and facilities staff are deployed in mobile ways throughout the field to promote efficiency and responsiveness. Section D of the Code notes the department should not provide public restrooms at any of the county's customer facilities that do not meet the criteria above.

To address the Proviso's requirement to install at least one restroom at Aurora Village and Burien Transit Centers, Metro utilized contract security service to provide on-site management of access to the restroom in effort to align with elements of the Code when feasible, such as those outlined in section B of the Code.<sup>40</sup> Metro staff researched security and design considerations both regionally and nationally to inform planning to maximize public safety in and around the restrooms. The APTA recommends increased funding to provide additional security measures to assist in monitoring restrooms located outside the paid fare zone and therefore open to public access.<sup>41</sup> Based on APTA's Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities which recommends additional security measures to monitor restrooms located outside of fare paid zones, Metro provided a security officer on site 24 hours daily at both locations of the public restroom locations to mitigate safety concerns and to monitor access to the restrooms.<sup>42</sup>

Metro's decision to provide on-site security for the restroom was also based on consultation with peer agencies regionally, such as Sound Transit and the City of Seattle, research of peer agencies nationally, including San Francisco Bay Area Rapid Transit, San Diego Metropolitan Transit System, and Los Angeles County Metropolitan Transportation Authority, and taking into consideration the American Public Transportation Association's recommended practices regarding public restrooms. Metro recommends that the provision of public restrooms include dedicated staffing to monitor access and promote greater safety, security, cleanliness, and accessibility. If interest in public restrooms at transit centers sustains, opportunities exist to improve congruence between Metro recommendations and the Code.

The two pilot locations identified by the Council do not meet other elements of the Code, such as criteria seven, which notes that at least 25 buses per peak hour pass through the transit center. On average, 16 buses pass through Aurora Village Transit per peak hour and 23 per peak hour at Burien Transit Center. Additionally, Aurora Village Transit Center does not meet criteria six, which notes that a daily platform population of 2,000 or more, as daily platform ridership averaged 1,346 between December 2023 to May 2024.<sup>43</sup>

While there are transit centers that meet one or more of the criteria, none meet all the current KCC criteria, even with potential removal of the criteria outlining level of staffing on-site.<sup>44</sup> For example, even excluding the staffing requirements, Burien does not meet peak bus volume criteria. Only four

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<sup>40</sup> King County Code 28.94.100 [\[LINK\]](#)

<sup>41</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>42</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>43</sup> Public Restroom Proviso Business Intelligence Dashboard. (2024) King County Metro [\[LINK\]](#)

<sup>44</sup> List of Transit Centers Meeting King County Code Criteria [\[LINK\]](#)

Metro transit centers meet criteria two requiring county ownership or control via long-term lease along with criteria four outlining capacity for eight or more in-service coaches. Of those four, they each do not meet other criteria such as platform volume or peak hour bus volume requirements. No transit centers meet adequate space on platform for a portable due to impact on operating requirements. Therefore, at this juncture, Metro is not planning to install, operate, or maintain additional public restrooms at transit centers.

Additionally, the Code notes that if a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department's normal staff assignments, the jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs for expanded restroom hours. Implementation of Metro's public restroom initiative thus far has not involved agreements with the City of Shoreline, the City of Burien, or adjacent property owners.

Given King County Council interest in a public restroom at the two locations identified, Metro is currently planning to maintain operations at both locations through the end of 2024. At this juncture, given none of Metro transit centers meet multiple elements of the King County Code criteria, to continue would require further discussion with the King County Executive Office and King County Council to consider options and inform next steps regarding the provision of public restroom at the two pilot locations and possible modifications to King County Code. Further discussion with the King County Executive Office and Council could also inform potential agreements with the City of Shoreline or City of Burien, should they indicate shared interest in operation of the restrooms.

To inform further discussion with the Executive Office and the Council, Metro researched permanent purchased structures as an alternate solution via installation of self-contained modular units such as the Portland Loo and the Throne. The Portland Loo, patented in 2010, is now in use in over 90 locations throughout the United States and Canada.<sup>45</sup> The Loo is constructed of stainless steel to withstand high volume usage and vandalism while deterring illicit activity based on design of louvered panels at the top and bottom of the stalls. It has become a preferred option to mitigate safety concerns and maximize accessibility, due to its durability. The City of Seattle, King County Department of Natural Resources and Parks, and the City of Shoreline have each installed Portland Loos, primarily at parks, and seen positive outcomes. The units do require connections to power and plumbing, increasing initial one-time costs and constraining feasible siting. The long-term durability and accessibility of these units may outweigh initial cost differentials. The Washington State Department of Labor and Industries recently updated rules and laws governing Factory Assembled Structures, and Madden Manufacturing, the manufacturer of the Portland Loo, is in the process of updating design to comply with Washington laws.<sup>46</sup>

King County Parks installed four Portland Loos at Steve Cox Park in White Center in 2019. Overall, Park staff have observed better outcomes for access, maintenance, and deterrence of illicit activity compared to both building restrooms and temporary portable units. In response to a request for feedback, staff at Steve Cox Park reported the Loos are easier and safer to clean, deter graffiti as advertised, and improve their ability to monitor illicit activity in the restroom.

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<sup>45</sup> United States Patent Application Publication. 2010 [\[LINK\]](#)

<sup>46</sup> Revised Code of Washington Chapter 43 Section 22 Department of Labor & Industries Factory Assembled Structures [\[LINK\]](#)



Figure 9 Portland Loos at Steve Cox Park in White Center, Unincorporated King County



Historically, park staff unlock the door each morning and rely on King County Sheriff's Deputies to lock the doors at night, although they are in the process of changing to programmed locks to automate access during operating hours. Staff have noted the drawback that the Loos are susceptible to plumbing issues during sub-freezing temperatures. The Portland Loo now offers a cold temperature option to mitigate those issues, which is built into to the cost estimates outlined below.

An analysis of cost estimates comparing lease to purchase options illustrates notable one-time cost differences given the initial costs to purchase a modular unit and install connections to plumbing and power. The annual operating costs are much more similar with estimates to operate a permanent structure, which costs an estimated \$44,000 more to operate. This difference does not include costs to repair leased portables that are vandalized. As City of Shoreline noted in the September 2019 issue of Currents, the public restroom at Echo Lake Park has been vandalized repeatedly over the years, including structural fires increasing maintenance costs.<sup>47</sup> Despite many jurisdictions reporting ongoing vandalism to public restrooms, leading to cost increases and long-term closures, available data appears to be insufficient to estimate maintenance costs due to vandalism, therefore it is not reflected in the table below. The actual cost differences to operate may be less, given that the materials used to manufacture temporary portable stalls are less durable than the stainless steel used to manufacture many modular units currently on the market. Cleaning costs below are based on pilot data of vendor providing cleaning; exploration of permanent options would entail re-negotiating labor agreements.

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<sup>47</sup> Currents, News from the City of Shoreline. September 2019. Volume 21 No.7 [LINK](#)

Table 5 Cost Comparison of Lease and Purchase Options

		Cost Estimates			
		Lease Two Portable ADA Stalls with Handwash Stations	Lease One Portable ADA Stall with Handwash Station	Purchase & Install Two Permanent Modular Stalls	Purchase & Install Single Permanent Modular Stall
One-Time Costs	Delivery	\$150	\$75	\$5,535	\$2,768
	Installation	\$2,000	\$1,000	\$1,620,000	\$810,000
	Purchase	\$0	\$0	\$320,000	\$160,000
	<b>TOTAL</b>	<b>\$2,150</b>	<b>\$1,075</b>	<b>\$1,945,535</b>	<b>\$972,768</b>
On-Going Annual Costs	Lease Rate (Inclusive of daily cleaning)	\$11,024	\$5,512	\$0	\$0
	Routine Cleaning (Lease rate of portable includes)	\$0	\$0	\$100,000	\$50,000
	Security Staffing (based on 24/7 access)	\$790,000	\$395,000	\$836,000	\$418,000
	<b>TOTAL</b>	<b>\$801,024</b>	<b>\$400,512</b>	<b>\$890,000</b>	<b>\$445,000</b>

As another option, Throne, is a start-up company providing portable, modular, and ADA accessible units with a ventilation system, flush toilet, and sink with running water. The units can operate without connection to plumbing or power. Less is known about the costs, as the company did not respond to multiple requests for price quotes. Los Angeles County Metropolitan Transportation Authority (LA Metro) is in the process of a six-month pilot of the Throne restroom at three of its highest volume stations, bringing their total public restroom count to six throughout their system. The restrooms are monitored by transit ambassadors, although access is controlled via a scan of a QR code or a text message sent by the person requesting entry. The stalls are equipped with 21 internet connected sensors to inform LA Metro if anything needs attention and to prompt users to exit the stall within 10 minutes by automatically opening the door at that time. The stalls are open from 6 a.m. until 9 p.m. The pilot is the result of an unsolicited proposal received from Throne.

Throne offers some distinct advantages over the Portland Loo, given that the units do not require connection to power or plumbing, thus reducing installation costs and expanding potential siting options within limited spaces such as a transit center. Due to its reliance on a cellular phone for access, it has built in accountability, enabling warnings or restricted access for users who have not followed conditions of use or have damaged the unit. A report of pilot learnings and outcomes is scheduled for delivery to LA Metro in April of 2024, which could further inform Metro planning and discussions with the Executive Office and the Council.

Figure 10 Throne Labs Modular Restroom



Metro recommends the current configuration for the provision of the public restrooms be maintained through end of 2024, including both the structure type and security staffing model. The current configuration is a plastic portable ADA compliant stall with a supplemental handwashing station on the exterior of the unit with dedicated security presence on-site to monitor access and ensure public safety throughout the 24 daily operating hours.

The rationale for the level of security staffing Metro is planning is based on the following:

- American Public Transportation Association (APTA) Recommended Practice
- Consultation with comparable peer agencies nationally and regionally
- Metro’s Risk Management Framework

APTA recognizes that restrooms can become significant security risks if they are not effectively designed and managed. As part of APTA’s Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities, a risk assessment is recommended to examine risk to personnel, assets, infrastructure, and the operating environment. APTA points out that public restrooms located outside of the fare paid zones are likely have higher usage volume than those located within fare paid zones and may be more difficult to secure and monitor, which would require increased funding for more security to assist in monitoring.<sup>48</sup>

To inform planning, Metro consulted with peer agencies regionally, including Sound Transit and the City of Seattle. Sound Transit currently has 10 passenger restrooms throughout its system and the Sound Transit Executive Committee is planning to consider restroom policy changes in 2024.<sup>49</sup> Sound Transit staff are recommending the addition of criteria to guide siting within fare paid zones. Currently, Sound Transit stations with restrooms have security on site while the restroom is accessible, but it not focused on the restroom. Recent renovations have added cameras to enable remote monitoring, though Sound Transit facility managers’ report cameras are often vandalized, and restrooms are used for illicit activity such as distribution of drugs. The restrooms face repeated closures due to vandalism and misuse, which limits accessibility. Sound Transit staff are recommending their restroom policy, Motion No. M98-67, be updated include customer service and janitorial presence to monitor and clean the passenger restrooms.

Seattle Parks and Recreation (SPR) evaluated best practices related to all-gender public restrooms and concluded adequate staffing involves attendants to monitor restroom facilities.<sup>50</sup> SPR installed a modular Portland Loo public restroom at Ballard Commons Park in 2019 with an attendant on site

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<sup>48</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. America Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>49</sup> Sound Transit 2024 Executive Committee Work Program (2024) [\[LINK\]](#)

<sup>50</sup> All Gender Restroom Study. (2016) Seattle Parks and Recreation. [\[LINK\]](#)

during restroom access hours to monitor use and provide maintenance. The location has similarities to Metro’s pilot locations, as it is close to a high volume of people living outside.

On Metro’s Risk Management Framework, safety and security is a key area of risk involving hazards or actions which may lead to harm of employees or the public. Metro recognizes decisions often involve overlapping areas of risk and has determined that three areas take priority: the need to achieve our equity and sustainability objectives and to avoid or adequately control safety and security risks. Relative to safety and security, Metro is risk averse and risk concerned.<sup>51</sup> Risk averse means Metro accepts as little risk as possible while risk concerned indicates a cautious approach to risk taking, involving willingness to only accept a small negative impact to pursue objectives. Metro proactively identifies hazards and vulnerabilities that may threaten safety and security of employees and customers and prioritizes resources to mitigate them.

### **C. Any Legislation Necessary to Implement the Transit Public Restroom Report**

No legislation is necessary to implement the Transit Restroom Report.

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<sup>51</sup> Metro Risk Appetite Statement. (2020) Metro. [\[LINK\]](#)

## VI. Next Steps

For the most part, Metro has not installed, operated, or maintained restrooms for public access. An exception occurred during renovations to Aurora Village Transit Center in 1999, during which a temporary portable stall was placed on site for construction crew. Due to limited capacity to monitor, over time the public began using the stall and it ultimately remained on site post renovation. In accordance with King County Code 28.94.100, Metro approached the City of Shoreline to request an agreement to share operational costs, although one was not established. Metro continued to independently operate the restroom until 2016, when it was removed following repeated incidents threatening security and public safety.

In response to the proviso directive to install at least one public restroom stall at AVTC and Burien Transit Centers, Metro installed a single portable ADA compliant stall with handwash station at each location, beginning in December 2023 at AVTC and January 2024 at Burien Transit Center. The vendor leasing the portable units also provides daily cleaning. Metro operates both restrooms 24 hours daily to be responsive to community concern that limited overnight access to restrooms was contributing to the observance of excrement on residential property and at the transit center. Responsiveness to community is in alignment with King County's Equity and Social Justice Plan.<sup>52</sup> Based on consultation with peer agencies regionally, research of peer agencies nationally, and the American Public Transportation Association's recommended standard practice regarding public restrooms at transit facilities, Metro contracts a security officer on-site 24 hours daily to monitor access and promote greater safety, security, and cleanliness. The pilot was originally planned for a duration of six months at an estimated cost of \$578,567, which is within the \$600,000 withheld contingent upon submission of this report and accompanying motion.

Comparing the average count of monthly security incidents in the five months before restrooms were installed to the four months post installation, data from AVTC demonstrates a 25 percent decrease while at Burien Transit data illustrates a 13 percent decrease. Comparing the five months pre-installation to the five months post installation of the restrooms, the number of maintenance requests involving excrement on site increased 175 percent at AVTC and decreased 28 percent at Burien Transit Center.

Based on analysis of King County Code 28.94.100, none of Metro's transit centers meet criteria eight, which notes that, independent of any decision to provide a public restroom, the level of operational activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day. Section D of the code notes the department should not provide public restrooms at any of the county's customer facilities that do not meet the criteria outlined in code. Metro utilized contract security service to provide on-site management of access to the restroom as outlined in section B of the code. Staff researched security and design considerations both regionally and nationally to inform planning to maximize public safety in and around the restrooms. The American Public Transportation Association (APTA) recommends increased funding to provide additional security measures to assist in monitoring restrooms that are located outside the paid fare zone and therefore

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<sup>52</sup> King County Equity and Social Justice Strategic Plan. (2016) King County [\[LINK\]](#)

open to public access.<sup>53</sup> Based on APTA’s Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities, Metro provided a security officer on site 24 hours daily at both public restroom locations to mitigate safety concerns and to monitor access to the restrooms.

The two pilot locations identified by Council do not meet additional elements of King County Code, criteria seven, which states that at least twenty-five buses per peak hour must pass through the transit center. On average, 16 buses pass through Aurora Village Transit per peak hour and 23 per peak hour at Burien Transit Center. Additionally, Aurora Village Transit Center does not meet criteria six, which specifies a daily platform population of 2,000 or more riders, as daily platform ridership averaged 1,346 over between December 2023 to May 2024.

Additionally, the code notes if a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department’s normal staff assignments, the jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs . Implementation of this public restroom initiative thus far has not involved agreements with the City of Shoreline, the City of Burien, or the owners of adjacent properties.

In alignment with King County Executive Branch True North and Values of being one team and being responsible stewards, Metro is planning to operate the public restrooms at both sites through the remainder of 2024..<sup>54</sup> Metro’s transit centers, including the two pilot locations, do not meet multiple criteria outlined in King County Code 28.94.100 guiding the provision of public restrooms at transit centers. Metro intends to comply with the code as written and therefore will cease operations of the public restrooms at the end of 2024.

## VII. Appendices

### Appendix A: King County Code 28.94.100

#### Public Restroom Policy for Public Transit Program

King County Code, Title 28 Metropolitan Functions, Section 94.100 public restroom policy for public transit is foundational to analysis and recommendations noted throughout the report.<sup>55</sup>

*28.94.100 Public restroom policy for public transit program.*

*A. The county will provide public restrooms at transit centers that meet the following criteria.*

*1. The transit center has been designed and sited principally to facilitate transfers between different routes.*

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<sup>53</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>54</sup> King County Executive Branch True North & Values [\[LINK\]](#)

<sup>55</sup> Title 28 Metropolitan Functions Section 94.100. King County Code [\[LINK\]](#)

2. *The transit center is to be developed off-street on property that the county either owns or controls through a long-term lease.*

3. *County service through the transit center makes significant use of "timed meet" schedules.*

4. *The transit center has capacity for eight or more in-service coaches; layover bays or terminal space do not count toward meeting this capacity requirement.*

5. *There is adequate space on the transit center platform to provide a restroom facility without compromising operating requirements.*

6. *A daily platform population of two thousand or more patrons is projected. This includes transfer activity as well as trips originating or terminating at the center.*

7. *At least twenty-five buses per peak hour pass through the transit center.*

8. *Independent of any decision to provide a public restroom, the level of operational activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.*

*B. If these criteria are met, the public restroom will be a gender-neutral facility that will be used both by county employees and by the general public. The restroom will only be available to the public for those hours when a department representative is scheduled to be on-site to manage the service. During those hours, public access to the facility will be controlled by this supervisor.*

*C. If a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department's normal staff assignments, the local jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs for expanded restroom hours; provided, that such agreements shall be approved by the council as required by the King County Charter, ordinance and/or applicable state law.*

*D. The department shall not provide public restrooms at any of the county's customer facilities that do not meet the criteria above, including the Downtown Seattle Tunnel.*

*E. The county will not staff its customer facilities simply to maintain or expand hours of access to public restrooms. (Ord. 18670 § 87, 2018: Ord. 11962 § 13, 1995).*

**Appendix B: On-Site Observation & Survey Protocols**

**Public Restroom Pilot: Data Collection Plan & Protocol**

Approach: ON-SITE OBSERVATIONS	Observation Protocol
<p>Transit Security Officers (TSO) assigned to Burien and Aurora Village Transit Centers will conduct daily observations. This will be a dedicated assignment, i.e., this role is separate and distinct from the role of officers that provide security across the transit center and/or behavioral health interventions.</p> <p>Dedicated officers will be on site at Burien and AV Transit Centers 24/7.</p> <p>TSOs will note (via an MS form) each time a person enters the on-site restroom.</p> <p>Observations, completed by officers, will take place daily.</p>	<p><i>For each observation they make, patrol officers will document the following information:</i></p> <ol style="list-style-type: none"> <li><b>Date:</b> [date of observation]</li> <li><b>Start time/end time:</b> [start time and end time of observation]</li> <li><b>Name or id of observer:</b> [name or other identifier to indicate the officer who made the observation] <i>This is needed so that if there is a question about any of the information documented, it's possible to go back to the observer to clarify</i></li> <li><b>Notable weather conditions:</b> [short qualitative description, e.g., light rain, heavy rain, cold weather, snow, or nothing notable]</li> <li><b>Are there people waiting to use the public restroom?</b> [closed-ended options, forced choice] <u>Response options</u> Yes=observer can clearly see people waiting in line or waiting to enter the restroom facility No=observer does not see a line, nor people obviously waiting to use the restroom Don't know/unknown=observer is uncertain or unclear if people are waiting to use the restroom facility</li> <li><b>Are there people congregating near or hanging around the restroom?</b> [closed-ended options, forced choice] <u>Response options</u> Yes=observer can clearly see people congregating near the restroom; observer sees people hanging around the restroom who do not appear to have the intent to use the restroom No=observer does not see people congregating near the restroom, hanging around the restroom, loitering Don't know/unknown=observer is uncertain or unclear if people are loitering</li> <li><b>Are people engaging in unsafe or illicit behavior in or around the restroom?</b> closed-ended options, forced choice] <u>Response options</u> Yes=observer can clearly see people engaging in unsafe or illicit behavior in or around the restroom No=observer does not see anyone engaging in unsafe or illicit behavior in or around the restroom</li> </ol>



	<p>Don't know/unknown=observer is uncertain or unclear if people are engaging in unsafe or illicit behavior in or around the restroom facility</p> <p>8. <b>Other observations about the condition of the transit center, the public restroom facilities, or the behavior of those at the transit center or using the restroom facilities?</b> [open-ended]</p>
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Approach: RESIDENT SURVEY	Survey Protocol
<ul style="list-style-type: none"> <li>• Metro will implement a brief survey with a defined sample of residents who live within ¼ mile of Burien and Aurora Village Transit Centers.</li> <li>• Those who complete the survey will be entered into a drawing for a \$50 gift card (Total of 10 available)</li> <li>• Metro research team will implement and summarize results inclusive of translation of survey &amp; post card.</li> <li>• Government relations staff will coordinate mailing list via direct buy from contractor, post card</li> </ul>	<ol style="list-style-type: none"> <li>1. <b>Date</b></li> <li>2. <b>Do you want to be entered into drawing for a \$50 gift card to Fred Meyer?</b></li> <li>3. <b>Preferred Method of Contact if Entering Drawing: Mailing Address or Email</b></li> <li>4. <b>To what extent are you concerned about cleanliness in/around the Transit Center?</b> [closed-ended, forced choice]  <u>Response choices:</u> <ul style="list-style-type: none"> <li>• Very concerned</li> <li>• Somewhat concerned</li> <li>• Not concerned</li> <li>• Don't know/unsure</li> </ul> </li> <li>5. <b>To what extent have you noticed garbage or waste in and around the Transit Center?</b> [closed-ended, forced choice]  <u>Response choices</u> <ul style="list-style-type: none"> <li>• There is a <u>substantial amount</u> of trash or waste in/around the transit center—e.g., trash/waste is visible in many parts of the transit center; accumulated trash/waste is visible on the ground; trash is not contained in or is spilling out of trash bins on site.</li> <li>• There is <u>some</u> trash or waste visible in/around the transit center—e.g., trash/waste is visible in a few places in/around the transit center; there are a few places where accumulated trash/waste is visible on the ground; trash is not contained in or is spilling out of trash bins on site.</li> <li>• There is a <u>little</u> trash or waste visible in/around the transit center— e.g., trash/waste is visible in 1-2 places in/around the transit center; there are a 1-2 places where accumulated trash/waste is visible on the ground; trash is mostly contained in trash bins on site.</li> <li>• Trash/waste is <u>not visible</u> and/or <u>nearly completely contained</u> in trash bins</li> </ul> </li> <li>6. <b>To what extent have you noticed garbage or waste outside your home ?</b> [closed-ended, forced choice]</li> </ol>

<p>development, respondent follow-up, &amp; observation protocol with security staff.</p>	<p><u>Response choices</u></p> <ul style="list-style-type: none"> <li>• There is a <u>substantial amount</u> of trash or waste outside my home—e.g., trash/waste has accumulated or is visible in many areas outside my home</li> <li>• There is <u>some</u> trash or waste outside my home—e.g., there is trash/waste on the ground or visible in several places outside my home.</li> <li>• There is <u>a little</u> trash or waste outside my home— e.g., trash/waste on the ground or visible in 1-2 places outside my home.</li> <li>• There is <u>no</u> trash/waste outside my home.</li> </ul> <p><b>7. Are you aware that Metro has taken steps to address cleanliness around certain transit hubs(for example, installing public restroom facilities at the [Burien/Aurora Village] Transit Center)? [closed-ended]</b></p> <p><u>Response choices</u></p> <ul style="list-style-type: none"> <li>• Yes, I am aware</li> <li>• No, I am not aware</li> </ul> <p><b>8. In your view, have safety incidents at AV / Burien Transit Center changed in the last 2 months? [closed-ended, forced choice]</b></p> <p><u>Response choices:</u></p> <ul style="list-style-type: none"> <li>• Safety incidents have increased</li> <li>• Safety incidents have decreased</li> <li>• Safety incidents have not changed</li> <li>• Don't know/unsure</li> </ul> <p><b>9. How satisfied are you with how Metro is addressing cleanliness &amp; availability of public restroom at AV and Burien transit centers? [closed-ended, forced choice]</b></p> <p><u>Response choices:</u></p> <ul style="list-style-type: none"> <li>• Very satisfied</li> <li>• Somewhat satisfied</li> <li>• Not very satisfied</li> <li>• Not at all satisfied</li> <li>• Don't know/unsure</li> </ul> <p><b>10. Metro values feedback from community members. Do you have observations or comments about conditions at the transit center or additional feedback to offer on how these facilities could be further improved? ? [open-ended]</b></p>
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## Appendix C: Resident Survey Findings

### Findings – Aurora Village Transit Center Public Restroom Survey

- There were very few responses – but those that did respond were greatly divided (with some reporting intense and pervasive issues with cleanliness, and others comparatively little).
  - There were only 12 total responses.
  - All responses were in English – one response was attempted in Spanish, but all questions were left blank except for the date (this response was excluded from analysis).
- Only a quarter of participants (3 out of 12) noted the presence of waste or trash outside their homes (and these three noted “little” waste, rather than “substantial” waste) – suggesting that where issues with trash did exist, they seemed largely restricted to the Transit Center itself.
- A majority of participants (7/10 – more than two thirds, and nearly three quarters) were not aware of efforts Metro had undertaken to improve cleanliness or bolster public restroom access at the Aurora Village Transit Center.
- Most respondents were NOT SURE or did not feel confident assessing whether safety incidents at the Transit Center had changed in prevalence following Metro’s interventions.
  - 8 out of 10 – four fifths of respondents overall – indicated that they were not confident expressing an opinion about changes.
  - Among the two that DID express an opinion, responses were evenly divided, with one person reporting an increase in incidents and a second person reporting a decrease.
- Overall satisfaction with safety and cleanliness at the Aurora Village Transit Center is low.
  - 9 out of 11 participants (82 percent) rated themselves as either “somewhat” or “very” concerned about cleanliness at the Transit Center; more than a quarter (3 out of 11) were “very concerned.”
  - 6 out of 10 (60 percent) complained that there was at least “some” waste visible around the Transit Center; 20 percent noted that there was “a substantial amount” of trash or waste.
- When asked about satisfaction with Metro’s response to the issues at the Transit Center, no participants were “very satisfied.”
  - Three were “somewhat satisfied.”
  - Two were dissatisfied (either “not very” or “not at all” satisfied).
  - Five were unsure.
- Some suggestions from the public:
  - “Increase security and law enforcement presence and authority at transit centers and on the buses. A better presence of transit staff and supervision at the transit center and stops. Make public restrooms readily available but put time limits on how long people can be in there and enforce the limits. Have timers on the interior/exterior of restrooms (when the door locks the timer starts). Give community members the ability to see something, say something with notices about it posted in visible areas. Have at least one transit staff posted at the center during operating hours and visible to the public, not hiding somewhere. At the end of every run, ensure the bus empties and enforce trespass laws if refusal to leave.”
  - “[There is] open drug use [at the Center].”

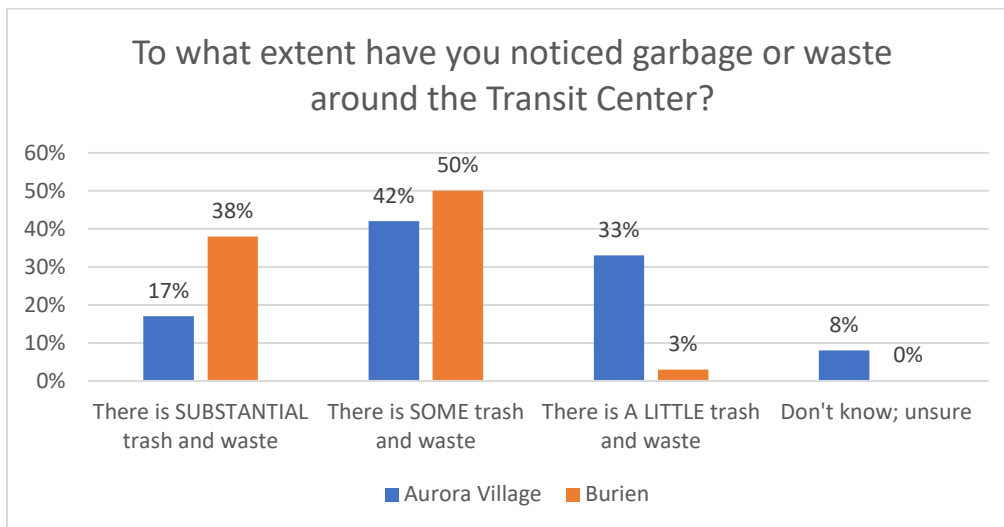
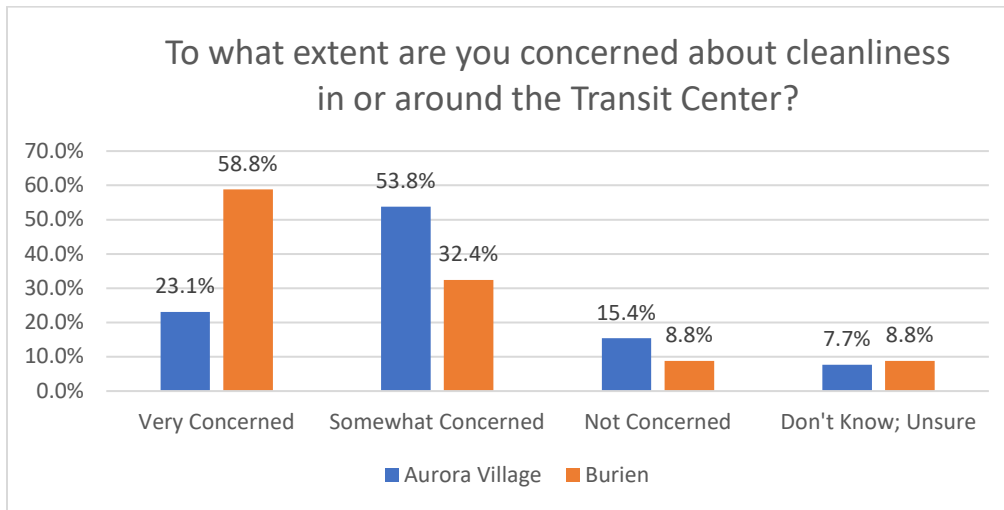
- “One concern is the graffiti on the seemly [sic] used building at the transit center. Additionally, the park at Echo Lake needs to have security monitoring. Many transit folks use that restroom as well and just hang around that area.”

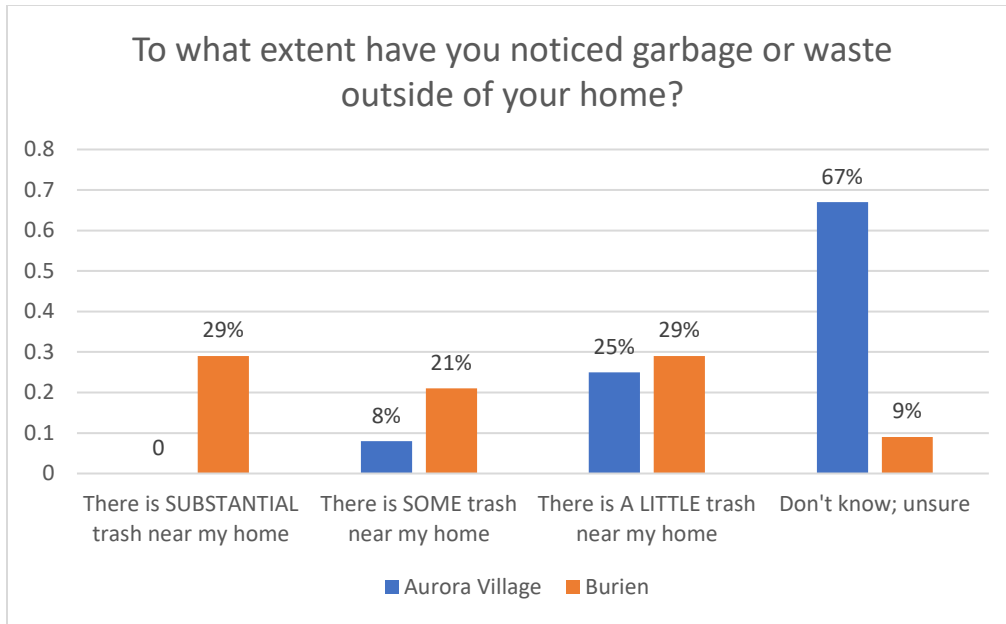
#### Findings – Burien Transit Center Public Restroom Survey

- There were twice as many responses to this survey as to the Aurora Village version (a total of **34** responses). 29 responses were provided in English, and five were provided in Spanish.
- Waste around and apart from the Transit Center is a bigger problem in Burien than at Aurora Village. More than half of participants (19 out of 34 – 55.9 percent) noted the presence of waste or trash outside their homes (and of these, ten (29.4 percent) reported “substantial” waste) – suggesting that issues with trash are not restricted to the Center itself.
- A majority of participants (18/34 – more than half, at 52.9 percent) were not aware of efforts Metro had undertaken to improve cleanliness or bolster public restroom access at the Burien Transit Center.
- Most respondents were NOT SURE or did not feel confident assessing whether safety incidents at the Transit Center had changed in prevalence following Metro’s interventions.
  - 9 out of 34 – about a quarter, at 26.5 percent – indicated that they were unsure or were not confident expressing an opinion about changes.
  - Among those that DID express an opinion, eight respondents felt that safety incidents had remained the same in response to the recent changes (23.5 percent); 13 (at 38.2 percent), a majority, felt that safety incidents at the Center had increased rather than decreasing.
- Overall satisfaction with safety and cleanliness at the Burien Transit Center is very low.
  - 31 out of 34 participants (91.2 percent) rated themselves as either “somewhat” or “very” concerned about cleanliness at the Transit Center; more than half (58.8 percent - - 20 out of 34) were “very concerned.”
  - 30 out of 34 (88.2 percent) complained that there was at least “some” waste visible around the Transit Center; 44.8 percent noted that there was “a substantial amount” of trash or waste.
- When asked about satisfaction with Metro’s response to the issues at the Transit Center, only one participant was “very satisfied.”
  - Five were “somewhat satisfied.”
  - Fourteen (41.1 percent) were dissatisfied (either “not very” or “not at all” satisfied).
  - Eleven (32.4 percent) were unsure.
- Some suggestions from the public:
  - “[Needs more] visible security.”
  - “[I] appreciate the security measures.”
  - “I believe the Transit Center is unsafe and a public health nuisance. There are people with drug addiction and drug dealers who frequent the area and cause problems for the Transit Center and surrounding shopping areas. I don’t feel safe in the area. There is

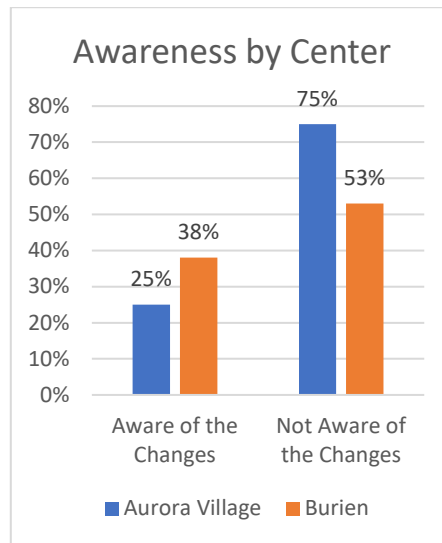
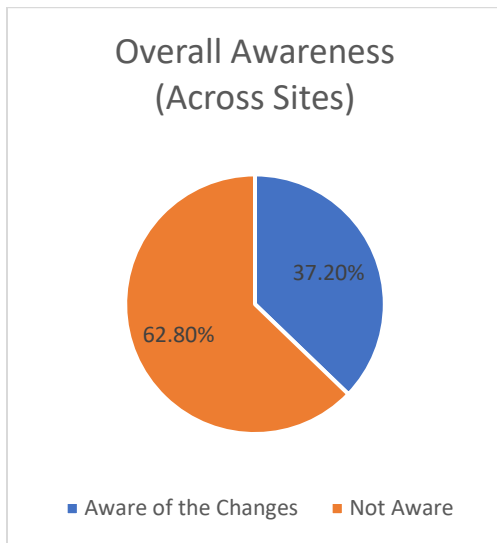
- trash, human waste, foil from drug use, etc. on a daily basis – not only at the Transit Center, but flowing over into the immediate area.”
- “There is major drug use, and littering and defecation directly adjacent to the Burien Transit Center all day, every day.”
  - “There is ALWAYS broken glass, needles, and trash at the Transit Center, making it impossible for me to take advantage of it. The issue is not maintenance, which only puts a band-aid on the issue, but enforcing the law.”
  - “Make open air drug use a FELONY!!”
  - “More police presence and no [more] homeless [people].”
  - “More covered and wind-sheltered areas. The shelter that is there is fine, but it is so tall that the wind comes in very easily. It would also be nice to have screens showing when the buses will show up next. Also, the bay numbers are very small. It’d be nice if the bays had numbers on them you could see from across the transit center, mounted on top of tall poles.”
  - “Too many homeless hanging around and at nearby businesses; feels unsafe.”
  - “Very public drug dealing and using, even in the middle of the day. This has decreased a little in the past two months.”
  - “Additional cleaners/security/crisis outreach staff/police nearby would be ideal. There is lots of garbage (and rats) near the Transit Center. There is always garbage at and around the curved seating area near the parking lot to the west. Bus stops, like H Line stops, have tons of graffiti and trash too, sometimes including broken glass and drug detritus. It will take lots of intentional work to improve these areas. Thank you for your efforts to keep our public areas clean and safe.”
  - “The parking structure at the Burien Transit Center is a ghost town. People are not using that building due to the amount of individuals using drugs openly in and around the Transit Center. I’ve witnessed firsthand hired security sitting inside a private security vehicle, just staring at their phones and doing nothing to prevent what is going on there.”
  - “More police controls are necessary. Prosecute criminals. Enforce loitering laws.”
  - “Keep homeless people away.”
  - “In the past, the areas by the parking lot have needed attention. I’m aware there are sometimes unhoused people using the area and understand the complexities.”
  - “I don’t like it that people can openly use illegal drugs in public. Other laws are not allowed to be broken, so I don’t know why public drug use is an exception. I also REALLY want people to pay to ride. Right now, the bus is just enabling people to go downtown and buy drugs. STOP TRANSPORTING PEOPLE WHO DON’T PAY.”
  - “[We need] more presence of security.”
  - “The homeless population used the benches for their own use; very unsafe for all people to use.”
  - “Hay mucha inseguridad cuando llegan los indigentes a los alrededores.” [There is a lot of insecurity when the homeless arrive in the surrounding area.]
  - “Todo bien pero tienen q poner mas atencion con los que drogan en el buss.” [It’s all well and good, but you must pay more attention to those who do drugs on the bus.]

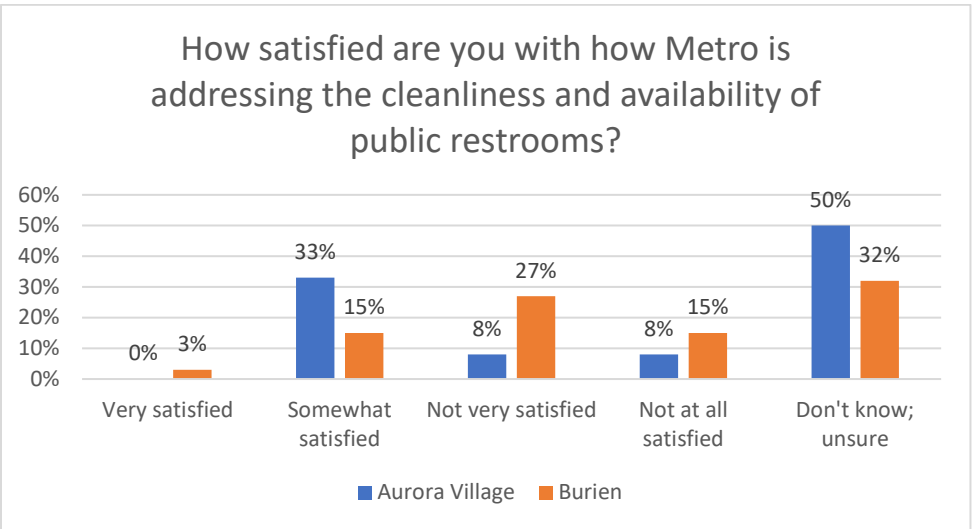
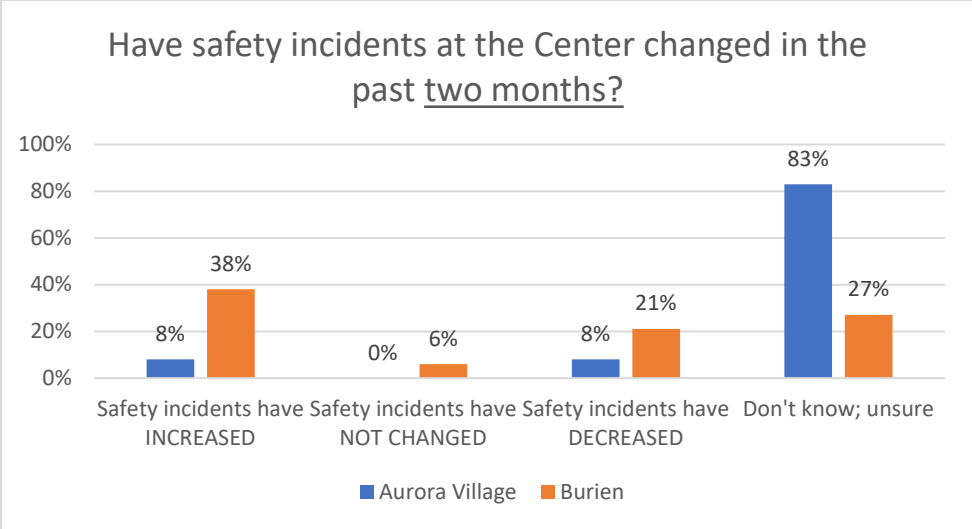
Survey Findings Location Side-by-Side Comparison





*Are you aware that Metro has taken steps to address cleanliness around certain transit hubs (for example, installing public restroom facilities)?*







**Appendix D: List of Transit Centers Meeting King County Code Criteria**

<b><i>KING COUNTY CODE 28.94.100 Public restroom policy for public transit program.</i></b>	<b>Transit Centers Meeting Criteria</b>	<b>Possible Code Modifications</b>
A. The county will provide public restrooms at transit centers that meet the following criteria.		
1. The transit center has been designed and sited principally to facilitate transfers between different routes.	All	
2. The transit center is to be developed off-street on property that the county either owns or controls through a long-term lease.	Auburn <sup>56</sup> , AVTC, Burien, & Redmond	
3. County service through the transit center makes significant use of "timed meet" schedules.	All	
4. The transit center has capacity for eight or more in-service coaches; layover bays or terminal space do not count toward meeting this capacity requirement.	Auburn, AVTC, Burien, & Redmond	
5. There is adequate space on the transit center platform to provide a restroom facility without compromising operating requirements.	None of transit centers identified above	Define adequate per portable & permanent structures
6. A daily platform population of two thousand or more patrons is projected. This includes transfer activity as well as trips originating or terminating at the center.	Burien	Adjust minimum to 10,000 to align with Sound Transit
7. At least twenty-five buses per peak hour pass through the transit center.	Redmond <sup>57</sup>	
8. Independent of any decision to provide a public restroom, the level of operational activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.	None	Dedicated staffing to manage restroom access

<sup>56</sup> Public Restroom Exists at Sound Transit Auburn Station. [\[LINK\]](#)

<sup>57</sup> If comparing to pre-pandemic data of 2019 data, Burien would qualify for both morning and afternoon peak while Aurora meets criteria for volumed during peak morning hours. [\[LINK\]](#)

B. If these criteria are met, the public restroom will be a gender-neutral facility that will be used both by county employees and by the general public. The restroom will only be available to the public for those hours when a department representative is scheduled to be on-site to manage the service. During those hours, public access to the facility will be controlled by this supervisor.

C. If a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department's normal staff assignments, the local jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs for expanded restroom hours; provided, that such agreements shall be approved by the council as required by the King County Charter, ordinance and/or applicable state law.

D. The department shall not provide public restrooms at any of the county's customer facilities that do not meet the criteria above, including the Downtown Seattle Tunnel.

E. The county will not staff its customer facilities simply to maintain or expand hours of access to public restrooms. (Ord. 18670 § 87, 2018: Ord. 11962 § 13, 1995).

None	Adjust so public restrooms are distinct from operator comfort stations
	Given no transit centers are currently staffed, adjust language from <i>may elect</i> to <i>dependent upon</i> cost share agreement with local jurisdiction

**Appendix E: Metro Risk Appetite Statement**

**Metro Risk Appetite Statement**

Metro endeavors to provide safe, efficient, and reliable public transportation that people find easy to use. The agency offers a cost-effective mix of products and services, tailored to specific market needs. Metro is continuously assessing new opportunities for innovation in how we deliver on our mission. Effective and balanced risk management increases the probability of successful outcomes while serving Metro's interests in providing safe, efficient, and reliable public transportation to our region.

Metro’s risk management framework is comprised of:

- a clearly defined risk appetite statement,
- processes to identify, prioritize, and manage significant risks,
- procedures to report and communicate about risks, and
- an understanding of its governance obligations and inherent risk culture.

A clearly defined risk appetite statement is a critical component of our overall enterprise risk management effort. Metro’s leadership will review and update these components as the Enterprise Risk Management program evolves.

This statement guides Metro staff regarding the amounts and types of risk the agency is willing to accept as it pursues opportunities to achieve its mission and objectives. Decision-makers should use this document to inform how they assess and respond to risks. It articulates our willingness to accept risk when making decisions regarding eight key areas of risk, defined below:

Equity – Fair access to opportunities, power, and resources needed to achieve one's full potential.

Sustainability – Actions, policies, practices that create a sustainable environment by environmental stewardship, reducing GHG emissions, preparing for climate impacts and building resilient frontline communities.

Safety and Security – Hazards or actions which may lead to harm to employees or the public.

Strategy – Strategic priorities, planning, leadership, innovation, allocating resources, and responding to changes.

Finance – Use of tax revenues and debt, non-traditional mobility investments, procurement, and outcome-based systems.

Reputation – Public perception and experiences. Confidence, trust, and support for Metro.

Operations – Service, schedule, procedures, systems, business practices, and policies.

Workforce – Recruiting, hiring, succession, employee development, discipline, and labor relations.

Compliance – Action or inaction which may conflict with laws, regulations, financial instruments and audits, agreements, or internal policies.

Metro’s appetite for risk varies according to the risks involved in a decision, circumstance, or operation. Our acceptance of risk is subject to understanding the potential risks and benefits. Responsibility for making decisions within this risk appetite lies with department leadership, division directors, and other senior leaders. Assessments of risk and value should evaluate the risks associated with taking specific actions as well as the risks associated with doing nothing. These assessments inform and support decision making. A decision maker may deviate from this risk statement where an assessment of potential risks and benefits calls for such a decision.

Decisions will often involve overlapping areas of risk. In these situations, three areas take priority over the others:

- The need to achieve our equity objectives,

- The need to achieve sustainability objectives, and
- The need to avoid or adequately control safety and security risks.

Metro’s appetite for risk in each key risk area is characterized on the following scale:

<b>Risk Averse</b>	Accepts as little risk as possible. Not willing to accept any negative impact to pursue objectives.
<b>Risk Concerned</b>	Cautious approach to risk taking. Only willing to accept a small negative impact to pursue objectives.
<b>Risk Neutral</b>	Balanced risk approach. Potential negative impacts and objective completion are given equal consideration.
<b>Risk Tolerant</b>	Greater than normal risks are tolerated. Willing to accept some negative impact to pursue objectives.
<b>Risk Seeking</b>	Aggressive risk taking is justified. Willing to accept a significant negative impact to pursue objectives.

Metro’s risk appetite is illustrated in the shaded areas below.

Key Risk Areas	Risk Averse	Risk Concerned	Risk Neutral	Risk Tolerant	Risk Seeking
Equity					
Sustainability					
Safety & Security					
Strategy					
Operations					
Finance					
Workforce					
Compliance					
Reputation					

The following statements describe Metro’s risk appetite in each of the key risk areas in more detail:

**Equity**

Metro promotes robust community and employee involvement that results in genuinely sharing power with both. We work to advance racial and all forms of social justice throughout Metro and the communities we serve. This requires us to courageously interrupt business as usual which does not promote equity for all. In helping to advance fair access to opportunities, Metro takes an approach that is at a minimum risk tolerant, but which leans toward risk seeking in order to achieve our equity goals.

**Sustainability**

Climate change is a paramount challenge with fundamental and far-reaching consequences. Metro is committed to advancing equitable climate solutions, creating opportunity for all residents, and protecting the natural environment for everyone who lives here today and for all those who will

follow us. With these factors in mind, Metro takes a risk tolerant or risk seeking approach in pursuit of its objectives related to sustainability, climate change, and environmental stewardship.

### **Safety and Security**

Metro is committed to providing a safe and secure environment for our customers and employees. As one of Metro's core values, safety and security are foundational to the success and sustainability of our public transportation system. Metro proactively identifies hazards and vulnerabilities to reduce incidents that have the potential to threaten the safety and security of its employees and its customers. Where decisions, actions, and hazards may lead to harm to employees or customers, resources will be prioritized to mitigate the same. Metro takes a risk averse to risk concerned approach to safety and security related risks, depending on specific circumstances.

### **Strategy**

Public transportation is vitally important to the Puget Sound region, providing connections to jobs, schools, and other destinations. It enables people with limited mobility options to travel, enhances regional economic vitality, and provides an alternative to single-occupant driving helping to address climate change and move toward a more sustainable transportation system. Metro's transportation services, technology, infrastructure, and customers' needs are changing faster than ever. Metro's strategies are pursued with understanding that innovation, and sometimes failure, are necessary components of long-term success. Metro is committed to learning from experienced risks and using those experiences to improve, while ensuring our strategy framework is built on our foundation of safety, sustainability, and equity. Metro takes a risk seeking or risk tolerant approach to strategic risks, depending on specific circumstances.

### **Finance**

Metro has an obligation to exercise sound financial management and build its long-term sustainability while investing its resources in the achievement of the region's mobility goals. Metro's financial resources are provided through the public's trust, and Metro must use those funds productively and effectively to maximize the delivery of services and capital investments contemplated in the METRO CONNECTS long-range vision, including the exploration, integration, and development of innovations in mobility and project delivery. With these factors in mind, Metro's approach to financial risks adjusts between a risk tolerant and risk neutral approach depending on specific circumstances.

### **Reputation**

The trust, confidence, and support of the public we serve are vital to Metro's success. We seek community engagement to ensure customers are informed about our plans and performance and are an integral part of the decision-making process. This is especially important as Metro plans for recovery from the COVID-19 pandemic. Metro strives to sustain a culture of customer service and deliver services that are responsive to community needs. Accordingly, Metro takes a risk concerned or risk neutral approach to reputational risks, adjusting between these approaches depending on specific circumstances.

**Operations**

Metro’s core mission and vision is to provide safe, efficient, and reliable public transportation. Metro’s procedures, systems, business practices, and policies must continuously improve to meet our residents’ needs in a diverse, complex, and changing environment. Therefore, Metro takes an approach that is at a minimum risk neutral, but which leans to risk tolerant approach to operational risks.

**Workforce**

Metro works to develop and sustain a vibrant, talented, engaged, and empowered workforce that is accountable at all levels. This workforce reflects the communities we serve, and each individual shares responsibility for the wellbeing of the organization and its employees. In order to develop this workforce, Metro takes an approach which at a minimum is risk tolerant but leans toward risk seeking depending on the circumstances.

**Compliance**

Metro respects and upholds the statutes, regulations, financial instruments, agreements, and policies which govern our operations. We may develop operations and practices before regulatory frameworks to guide them are available. In areas where strict compliance may conflict with other priorities, Metro will engage the authority involved to satisfy the needs of all parties. Metro generally takes a risk concerned to risk neutral approach to compliance risks.

July 16, 2024

Technical correction

[mbourguignon]

Sponsor: Dembowski

Proposed No.: 2024-0212

1 **AMENDMENT TO PROPOSED MOTION 2024-0212, VERSION 1**

2 Strike Attachment A, Transit Public Restroom Initiative Report, and insert Attachment A,

3 Transit Public Restroom Initiative Report, Updated July 16, 2024

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5 **EFFECT prepared by *Mary Bourguignon*: Would replace the transmitted report**

6 **with an updated report to correct technical errors in Table 5.**

## Transit Public Restroom Initiative Report

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June 2024 | Updated July 16, 2024



**King County**



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## II. Proviso Text

### ER1 EXPENDITURE RESTRICTION:

Of this appropriation, \$600,000 shall be expended or encumbered solely to install, operate, and maintain one public restroom at the Aurora Village transit center and one public restroom at the Burien transit center. The public restrooms may be portable or permanent structures. Existing restrooms may be used if they can be safely and appropriately opened to the public. Each public restroom shall include at least one stall.

### P1 PROVIDED THAT:

Of this appropriation, \$600,000 shall not be expended or encumbered until the executive transmits a transit public restroom initiative report and a motion that should acknowledge receipt of the report, and a motion acknowledging receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to, the following:

- A. A description of the public restrooms installed, operated, and maintained at the Aurora Village and Burien transit centers, including, but not limited to, the following:
  1. The cost to procure and operate each public restroom or to open an existing restroom for public use;
  2. The estimated monthly usage of each public restroom since it was opened for public use; and
  3. The impact of the public restroom on safety and cleanliness at each transit center;
- B. A plan to install, operate and maintain additional public restrooms at transit centers, including, but not limited to, the following:
  1. A list of transit centers that meet the criteria outlined in K.C.C. 28.94.100 for provision of public restrooms, including an evaluation of whether changes to the criteria outlined in K.C.C. 28.94.100 would promote greater safety, security, and cleanliness at transit centers;
  2. A proposed timeline to install additional public restrooms at the transit centers listed in response to subsection B.1. of this proviso; and
  3. Estimated costs to install, operate and maintain public restrooms at each transit centers listed in response to subsection B.1. of this proviso, including a comparison of these costs to rent a portable restroom or to install a permanent restroom structure; and
- C. Any legislation necessary to implement the transit public restroom initiative report. The executive should electronically file the report and motion required by this proviso no later than ~~((January 11, 2024))~~ June 30, 2024, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the transportation, economy and environment committee or its successor.

Ordinance 19546, Section 114, Metro Transit Department, P1 <sup>1</sup>  
Ordinance 19633, Section 86, Metro Transit Department, P1 <sup>2</sup>

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<sup>1</sup> Ordinance 19546 [\[LINK\]](#)

<sup>2</sup> Ordinance 19633 [\[LINK\]](#)

### III. Executive Summary

This report is provided in response to Ordinances 19546 and 19633. The report provides a description of the public restrooms installed, operated, and maintained at Aurora Village Transit Center and Burien Transit Center inclusive of the cost to procure and operate each, monthly usage, and impact on safety and cleanliness. This report also includes a list of transit centers that meet criteria outlined in King County Code 28.94.100 for the provision of public restrooms at transit centers. It also provides an evaluation of changes that would promote greater safety, security, and cleanliness and cost comparisons of portable and permanent restroom options as specified in the Ordinance.

Generally, King County Metro (Metro) has not installed, operated, nor maintained restrooms for public access. This is due to staffing models at transit centers not meeting criteria outlined in King County Code 28.94.100, public restroom policy for public transit. In 1999, Aurora Village Transit Center (AVTC) in the City of Shoreline was renovated, at which time a portable stall was placed on site for construction crews. Due to limited capacity to monitor access, over time the public began using the stall and ultimately the stall remained on site after renovations were completed. In accordance with King County Code (KCC) 28.94.100 outlining public restroom policy for public transit program, Metro approached the City of Shoreline to discuss sharing operational costs, though an agreement was not established. Metro continued to independently operate the stall until 2016 when it was removed following repeated incidents threatening security and public safety.

To inform Metro's planning to install, operate, and maintain a public restroom at Aurora Village and Burien Transit Centers as directed by the proviso, Metro staff researched standard practices nationally and consulted with peer agencies regionally including Sound Transit and the City of Seattle. Within the transit sector nationally, restrooms are often located within fare paid zones facilitating passenger access at major hubs. Large transit agencies across the country typically lock the restrooms with access given by request. The San Diego Metropolitan Transit System operates fixed route bus, rapid bus, and light rail serving approximately 3 million people. The system provides restrooms within rail stations during operating hours, with on-site security to monitor access.<sup>3</sup> The American Public Transportation Association (APTA) recognizes that restrooms can become significant security risks if they are not effectively designed and managed. APTA points out that public restrooms located outside of the fare paid zones are likely used by more people than those located within fare paid zones. Such restrooms may be more difficult to secure and monitor, requiring increased funding for more security mitigations to assist in monitoring.<sup>4</sup> As part of APTA's Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities, a risk assessment is recommended to examine risk to personnel, assets, infrastructure, and the operating environment.

Sound Transit currently has 10 passenger restrooms throughout its system. The Sound Transit Executive Committee plans to consider adopting revisions to their restroom policy which staff are recommending adding criteria to guide siting inclusive of the provision within fare paid zones.<sup>5</sup> Currently, Sound Transit

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<sup>3</sup> Restrooms at Trolley Stations. (2024) San Diego Metropolitan Transit System [\[LINK\]](#)

<sup>4</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. America Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>5</sup> Sound Transit 2024 Executive Committee Work Program (2024) [\[LINK\]](#)

stations with restrooms have security on site while the restroom is accessible, although security is not focused on the restroom and may be in other parts of the station. Recent station renovations have added cameras to enable remote monitoring, though Sound Transit facility managers' report cameras are often vandalized, and restrooms are used for illicit activity such as drug distribution. Facility managers noted restrooms are often closed due to vandalism and misuse, which limits accessibility. Sound Transit staff are recommending an update to their restroom policy, Motion No. M98-67, to include use of customer service and janitorial presence to monitor and clean the passenger restrooms.

To respond to community concerns in alignment with values outlined in King County's Equity and Social Justice Strategic Plan and ongoing efforts of the Safety, Security, and Fare Enforcement Reform Initiative, Metro is operating the restrooms 24 hours daily.<sup>6</sup> Based on APTA's recommended practice, King County Metro's Strategic Plan for Public Transportation, peer agency consultation, and Metro's Risk Management Framework, Metro allocated an additional security officer at each location focused on monitoring access and maximizing public safety in and around the public restrooms.<sup>7</sup> A single portable stall compliant with the Americans with Disabilities Act and a supplemental handwash station was installed at Aurora Village Transit Center in December 2023 and at Burien Transit Center in January of 2024. Both units are cleaned three times a day by the vendor leasing the units to Metro.

The public restroom pilot was planned for six months at a total estimated cost of \$568,567. Through April 2024, average daily restroom usage at AVTC is 32, while at Burien Transit Center it is 19.<sup>8</sup> Analyzing average daily restroom usage compared to average daily ridership, at AVTC usage represents two percent of ridership while at Burien usage represents less than one percent. Comparing the average count of monthly security incidents in the five months before restrooms were installed to the four months post installation, data from AVTC demonstrates a 25 percent decrease while at Burien Transit data illustrates a 13 percent decrease. While Metro has not received complaints of cleanliness specific to the public restroom, bus operators continue to observe excrement throughout both transit centers. Data from Metro's Transit Control Center, which processes requests from Metro operators, demonstrates the number of maintenance requests involving excrement, increased by 175 percent at AVTC and decreased by 33 percent at Burien Transit Center in the immediate five months after the restrooms were installed. Community feedback has been positive for AVTC, commending Metro for responsiveness to cleanliness and access to public restrooms.

Though originally only planned as a six-month pilot, which would expire during the summer of 2024, Metro intends to operate both locations through 2024. Metro's transit centers, including the two pilot locations, do not meet multiple criteria outlined in King County Code 28.94.100 guiding the provision of public restrooms at transit centers. Metro intends to comply with the code as written and therefore will cease operations of the public restrooms at the end of 2024.

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<sup>6</sup> King County Equity and Social Justice Strategic Plan (2016-2022) [\[LINK\]](#)

<sup>7</sup> King County Metro Strategic Plan for Public Transportation (2021) [\[LINK\]](#) King County Metro Risk Management Framework (2020) [\[LINK\]](#)

<sup>8</sup> King County Metro Power BI Public Restroom Proviso Data (2024) [\[LINK\]](#)

## IV. Background

### Department Overview

King County Metro (Metro) is the Puget Sound region's largest public transportation agency. Metro provides bus, paratransit, vanpool, and water taxi services, and operates Seattle Streetcar, Sound Transit Link light rail, and Sound Transit Express bus service. Metro is committed to providing safe, equitable, and sustainable mobility, and prioritizing service where needs are greatest. As of February 2024, Metro had a 14-day rolling weekday average ridership of 257,254 on fixed route bus. Metro operates more than 200 bus routes and owns five transit centers.

### Key Historical Conditions

In 2001, the Seattle City Council approved spending \$5 million to import five modular restroom units from Germany to replace portables in Pike Place Market, the waterfront, Pioneer Square, Chinatown International District, and Capitol Hill. After installation in 2004, the self-cleaning stalls became clogged with trash and became the site of illicit activity. In 2008, Seattle City Council voted unanimously to remove them.<sup>9</sup>

While there are more than 200 public restrooms in Seattle, most are closed at night.<sup>10</sup> A report conducted by Seattle Office of City Auditor, found that in 2018, only six public restrooms were open 24 hours a day, seven days per a week. These include two permanent structures at Green Lake Park and four portable units funded by Seattle Human Services Department in Ballard, West Seattle, Lake City Park, and Belltown.<sup>11</sup> Health and safety issues have been observed at all of the six restrooms including: broken Americans with Disabilities (ADA) compliant railings; a lack of interior lights and sharps containers; syringe parts in and around the facilities; and a lack of sanitizer in units.

In September 1998, Sound Transit adopted station design standards and policy for public restrooms.<sup>12</sup> At the time, staff recommended public restrooms be provided where most warranted, with greatest security, where staff are already available, and where routine maintenance can be provided, with cost-sharing with all agencies utilizing facilities, and concessions to generate revenue to cover operating costs.

In late 2021, Sound Transit updated its restroom policy to provide passenger only restrooms throughout the system, utilizing a mix of security and customer service staff to control access to the restrooms.<sup>13</sup>

Between 1998 and 2021 decisions about siting of public restrooms were made on a project-by-project basis. The revised policy added the following criteria to guide siting of restrooms:

- Minimum 10,000 boardings per day
- Multi-modal locations with five routes or more
- Approximately 20-minute ride to the next passenger restroom

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<sup>9</sup> Fiscal Note to Resolution 31057. May 19, 2008. City of Seattle [\[LINK\]](#)

<sup>10</sup> Jones, David, G. (2019) Review of Navigation Team 2018 Quarter 2 Report. Seattle Office of City Auditor. [\[LINK\]](#)

<sup>11</sup> Jones, David, G. (2019) Review of Navigation Team 2018 Quarter 2 Report. Seattle Office of City Auditor. [\[LINK\]](#)

<sup>12</sup> Motion No.98-67 (1998) Station/Facility Design Issues in Common for Commuter Rail, Link Light Rail, and Regional Express. Sound Transit [\[LINK\]](#)

<sup>13</sup> Resolution No. R2021-15 (2021) Passenger Restroom Policy Update. Sound Transit [\[LINK\]](#)

Historically, Metro has not installed, operated, nor maintained restrooms for public access since staffing models at transit centers have not met the criteria in King County Code outlining public restroom policy for public transit.<sup>14</sup> Aurora Village Transit Center (AVTC) in Shoreline was renovated in 1999, at which time a portable restroom was installed on site for construction crews. Due to limited capacity to monitor access, the portable was also used by the public and it remained on site after the renovation was completed for public access. In accordance with King County Code, Metro approached the City of Shoreline to request an agreement to share operational costs though an agreement did not materialize. The portable remained onsite until November 2016 when it was removed following a multi-year pattern of incidents posing safety and security concerns.

In February 2017, Echo Lake Townhomes Board reached out to the City of Shoreline to express concerns about excrement on the residential property adjacent to AVTC. Metro communicated the challenges maintaining a safe environment for patrons using the portable restroom as rationale for the decision to remove it in 2016. The City of Shoreline operates a public restroom five hundred feet due south of the transit center at Echo Lake Park, directly across the street from AVTC. The restroom has frequently been vandalized over the years. In 2015, the park and the restroom were renovated using principles of Crime Prevention Through Environmental Design to deter people from living or conducting illicit activity in the park.<sup>15</sup> The renovated restroom continued to be a site of illicit activity and vandalism before it was closed by the City of Shoreline in 2019 after severe fire damage. The City of Shoreline approved the purchase of a Portland Loo, a modular stand-alone stall constructed of stainless steel for durability and designed to deter illicit activity.<sup>16</sup> While City of Shoreline replaced the restroom in 2020 with a Portland Loo, it is only accessible during the day, which adjacent residents attribute as a contributing factor to excrement observed on their property. While the Portland Loo at Echo Park has withstood vandalism, neighbors report to Metro they continue to observe human waste in the park, on their adjacent residential community, as well as at the AVTC.

In June 2020, amid growing awareness of racial injustices both regionally and nationally, King County Executive Constantine declared racism a public health crisis and reaffirmed King County's commitment to becoming anti-racist and pro-equity. In response, Metro began its agency-wide Safety, Security, and Fare Enforcement (SaFE) Reform initiative in January 2021. The initiative's 2022-2023 priorities focus several strategies on the same locations identified by King County Council for the installation of public restrooms, Aurora Village and Burien Transit Centers.<sup>17</sup> The focused strategies involve assignment of two security officers at each location who have been on-site 24 hours daily since July of 2023. At Burien Transit Center behavioral support specialists are on site daily for a daytime and evening shift to support de-escalation, crisis intervention, and connection to social services.

In June of 2020, King County Sheriff's Office & Shoreline Police reached out to Metro to share feedback received from residents of Echo Lake Townhomes regarding excrement on the residential property adjacent to the transit center. In fall of 2020, residents of Echo Lake Townhomes also directly contacted Metro to express concern and request a public restroom be installed at AVTC again. Metro staff

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<sup>14</sup> King County Code 28.94.100 Public Restroom Policy for Public Transit Program [\[LINK\]](#)

<sup>15</sup> Shoreline Area News. (2015) The New Echo Lake Park. City of Shoreline. [\[LINK\]](#)

<sup>16</sup> Staff Report (2019) Authorizing the City Manager to Execute a Contract with Madden Manufacturing to Purchase a Portland Loo Single Occupant Public Toilet. City of Shoreline, Washington. [\[LINK\]](#)

<sup>17</sup> King County Metro Safety, Security, and Fare Enforcement Reform Initiative (2022-2023) [\[LINK\]](#)

responded to residents and King County Sheriff’s Office in 2020 and continued to follow up with the Echo Lake Townhome Association by attending their community meetings in October of 2022 and 2023.

### Key Current Conditions

Seattle ranks among the top 15 cities nationally with the highest density of public restrooms with 17 per every 100,000 residents.<sup>18</sup> Most of the city’s public restrooms are at parks, libraries, or post-secondary education campuses managed by various public agencies. Following the COVID-19 pandemic, the rapid increase in people living outside both nationally and within Washington, increasing 11 percent from 2022 to 2023, has increased demand for public restrooms.<sup>19</sup> Concurrently rising rates in drug addiction and overdose deaths, increasing 32 percent in King County from 2022-2023 has posed new challenges to maintaining safety within and around public restrooms.<sup>20</sup> Physicians who treat addiction patients recommend public restrooms contain biohazard boxes for needles and be actively monitored.<sup>21</sup>

Within the transit sector nationally, the standard practice for the provision of public restrooms is to site them within fare paid zones at major hubs so they are accessible only to passengers.<sup>22</sup> Large transit agencies across the country typically keep the restrooms locked with access by request. For example, the San Francisco Bay Area Rapid Transit (BART) is a heavy rail public transit system with average weekday ridership of approximately 150,000. During operating hours, BART provides attendants to monitor restroom access.<sup>23</sup> The San Diego Metropolitan Transit System operates fixed route bus, rapid bus, and light rail serving approximately 3 million people. The system provides passenger restrooms within rail stations or in partnership with nearby businesses. Most of the restrooms provided within rail stations during operating hours involve on-site security to monitor access.<sup>24</sup>

The Los Angeles County Metropolitan Transportation Authority (LA Metro) operates bus and rail within a service area serving 10 million residents. Historically, LA Metro has only provided three public restrooms throughout their 140 rail and bus transit centers.<sup>25</sup> In the fall of 2023, LA Metro started a six-month pilot with Throne Labs, a start-up provider of innovative portable self-contained restrooms at three of their busiest rail stations for passengers and one for operators. Throne units have bright lights, sinks with running water, ventilation systems, and 21 internet sensors enabling remote access, monitoring of length of use, maintenance needs and illicit activity. Restroom access is granted via app or QR code on a smart phone, text message request. Access exclusively by phone may impact equity of access so the

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<sup>18</sup> Which Cities Have the Most Toilets in the US and the World? (2024) Portland Loo. [\[LINK\]](#)

<sup>19</sup> Annual Homeless Assessment Report (2023) Office of Policy Development and Research. U.S. Department of Housing and Urban Development. [\[LINK\]](#)

<sup>20</sup> Overdose Deaths Data Dashboard. Trends in Overdose Deaths that Occurred in King County 2014 – 2023. King County Medical Examiner’s Office. [\[LINK\]](#)

<sup>21</sup> Bebinger, M. (2017) Public Restrooms Become Ground Zero in The Opioid Epidemic. All Things Considered National Public Radio. [\[LINK\]](#)

<sup>22</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>23</sup> Restroom Attendant Program. (2022) San Francisco Bay Area Transit. [\[LINK\]](#)

<sup>24</sup> Restrooms at Trolley Stations. (2024) San Diego Metropolitan Transit System [\[LINK\]](#)

<sup>25</sup> Our Pilot Program to Test Restrooms for Riders and Staff Begins This Month at Four Metro Stations. (2023) Los Angeles County Metropolitan Transportation Authority. [\[LINK\]](#)



start-up is exploring access by transit card. A report of pilot outcomes is anticipated to the Metro Board in April of 2024, but were not available at the time of this report.<sup>26</sup>

During 2024, the Sound Transit Executive Committee plans to review and consider adoption of a public restroom policy updating Motion number 98-67.<sup>27</sup> During consultation, staff shared they are proposing a combination of security and customer service presence to monitor the restrooms during daily operating hours.

In 2021 Metro began its Safety, Security, and Fare Enforcement (SaFE) Reform initiative in support of the King County Executive's declaration of racism as a public health crisis. One of SaFE's implementation priorities is a behavioral health support pilot in partnership with King County Department of Community and Human Services.<sup>28</sup> The pilot involves providing behavioral health specialists outreach services at the Burien Transit Center through a day and evening shift daily. The outreach team provides de-escalation, crisis intervention, peer support, and connection to social support services to community members in crisis. Metro Security Officers will be present at both locations to provide additional support.

As part of the SaFE Reform initiative, Metro conducted a series of walking tours with community partners. The tour of Aurora Village Transit Center in September of 2023 included Compass Housing Veterans Center, North Urban Human Services Alliance, and Echo Lake Neighborhood Association along with a discussion of the public restroom pilot in development at the time. Community members reported to Metro that the Portland Loo at Echo Park has withstood vandalism better than prior restrooms on site, but it continues to be closed for extended periods due to pipes bursting during freezing winter temperatures. Residents continue to report to Metro the observance of excrement in the park and their adjacent residential property which they communicated to King County Council, prompting this Proviso.

### Report Methodology

Planning and preparation to install, operate, and maintain one public restroom at Aurora Village and Burien Transit Centers began in April 2023. A portable stall was installed at AVTC in December 2023 and at Burien Transit Center in January 2024. Planning, implementation, evaluation, and composition of this report involved multiple divisions of Metro including: the General Manager's Office; Transit Facilities; Capital; Safety, Security, and Quality Assurance; Mobility, and Finance and Administration.

- Leadership in the General Manager's Office provided oversight, direction, and communication with Council and the Executive Office. The Partnerships and Engagement team led the walking tour and outreach related to the SaFE Reform initiative.
- Government relations staff in the Finance and Administration division managed the project inclusive of planning, evaluation, analysis of King County Code, and composition of the report. Government relations staff analyzed pilot data, researched recommended practice nationally, and consulted with peer agencies regionally to inform pilot plan and recommendations outlined in the report.

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<sup>26</sup> Scauzillo, S. (2023) Toliets at LA Metro Train & Bus Stations Are Very Rare, But Four Are Being Tested At Busy Stops. Los Angeles Daily News. [\[LINK\]](#)

<sup>27</sup> Executive Committee Work Program (2024) Sound Transit [\[LINK\]](#)

<sup>28</sup> SaFE Reform Initiative (2023) King County Metro [\[LINK\]](#)

- The Safety, Security, and Quality Assurance division informed the team of safety considerations, managed the contract security staff, and on-site data collection.
- The Transit Facilities division informed operational considerations relative to siting, staffing, and installation and managed data regarding cleanliness.
- The Capital division led siting at each location, permitting, vendor procurement, contract management, and supported cost analysis for permanent options.
- The research team in the Mobility division designed the survey, observation protocol, and customer communications strategy in collaboration with project lead and analyzed survey findings.

### Community Outreach

Metro utilized several methods of community outreach, including conducting walking tours with community organizations, participating in neighborhood association meetings, requesting feedback via survey to residents, compiling research on historical context at each location, and interviewing community members. As part of the SaFE Reform initiative, Metro conducted a series of walking tours with community partners. The tour of Aurora Village Transit Center in September 2023 included representatives of the Compass Housing Veterans Center, the North Urban Human Services Alliance, and the Echo Lake Neighborhood Association along with a discussion of the public restroom pilot in development at the time. Staff from the General Manager’s Office and leadership from Safety, Security, and Quality Assurance attended the Echo Lake Neighborhood Association meeting in October 2023 to listen and understand resident concerns.

Residents living within a quarter mile of both Aurora Village and Burien Transit Centers received a postcard with options to answer survey questions via computer, smartphone, or in writing. The brief survey involved both rating and narrative response to evaluate perceptions of safety, cleanliness, and restroom access. Metro surveyed residents two months after the public restrooms were installed at each location in February and March of 2024. The postcards and the survey were translated into both Spanish and Simplified Chinese. To incentivize participation in the survey, Metro offered a gift card raffle to respondents. Staff reached out to both the City of Shoreline and the City of Burien to request support in communicating awareness of the survey via neighborhood associations and city communications. Metro mailed a total of 2,241 postcards, with 495 to residents living within a quarter mile of AVTC and 1,746 living within a quarter of Burien Transit Center. The response rate for Aurora Village was one percent and for Burien Transit Center it was two percent.

Multiple Metro staff conducted informal interviews and ongoing engagement with community advocates living adjacent to AVTC, who provided insight on community context relative to restroom access at both the Transit Center and the adjacent Echo Lake Park based on their daily observations. Direct feedback from engaged community members informed planning of both the pilot and permanent options Metro explored.

## Data Collected

Table 1 Data Collected Through Public Restroom Pilot

Source	Data
On-site Observation Protocol	Count of restroom usage hourly, daily, and monthly
	Time to access restroom (wait time)
	Behavior around restroom (people congregating)
	Illicit behavior in/around restroom
	Cleanliness of restroom
Customer Communication & Services	Public initiative feedback via call or online form
Survey Responses	Level of concern of cleanliness in/around transit center
	Extent of visible garbage or waste in/around Transit Center
	Extent of visible garbage or waste in/around home
	Awareness of Metro efforts to improve cleanliness
	Perception of safety change at transit center
	Level of satisfaction with cleanliness and availability of public restrooms
	Observations about conditions at 2 transit centers and how they could be improved
Metro Performance Business Intelligence Dashboards	Platform ridership volume
	Bus volume during peak hours
	Count of security incidents on-site
	Type of security incidents on-site
Transit Control Center	Count of operator maintenance requests involving excrement at each location

## Legal Elements

The King County Prosecuting Attorney’s Office provided legal analysis of the report. Additionally, the following regulatory requirements were also complied with during siting of the portable at each location.

- Americans with Disabilities Act (ADA)
  - Standards for Accessible Design, Title II, and Title III regulate requirements for facilities to be physically accessible to people with disabilities.<sup>29</sup>
- City of Burien Permit Regulations
  - The City of Shoreline waived their permit process for the portable at AVTC

If King County pursues permanent modular units, the following state policy would apply.

- Washington State Department of Labor & Industries

<sup>29</sup> Americans with Disabilities Standards for Accessible Design [\[LINK\]](#)

- Factory Assembled Structures Laws and Rules (Revised Code of Washington 43.22, 43.22A and Washington Administrative Code Title 296-Chapter 49A and 150F).<sup>303132</sup>

## V. Report Requirements

### A. A Description of the Public Restrooms Installed, Operated, and Maintained at the Aurora Village and Burien Transit Centers

In response to the Proviso directive to install at least one public restroom stall at each location, Metro initially planned to install a portable trailer with four stalls and sinks at each location. Metro did not consider permanent structures for the initial evaluative pilot phase, given time constraints and interest in collecting additional information before planning permanent solutions. Metro originally selected a trailer with a multiple stalls option to address concerns of safety and vandalism, while providing the highest quality of service. Ultimately, electrical capacity constraints at each location presented challenges that would have significantly delayed installation and led to notable cost increases.

To address the electrical constraints and, given the time sensitive nature of the Proviso, Metro revised the initial plan and installed a single portable stall that is ADA compliant and gender neutral at each location, with an external handwashing station. The plastic stalls and handwash stations do not require electricity nor connection to plumbing, as they are self-contained units with tanks and a translucent roof to support interior visibility. The stalls are wheelchair accessible with adequate turning space through the approximate footprint measurements of ten feet by six feet. The handwash station provides touchless sanitation with soap and paper towel holders.

Figure 1 Single Portable ADA Compliant Restroom Installed at AVTC

Figure 2 Single Portable ADA Compliant Restrooms Installed at Burien Transit Centers



<sup>30</sup> Revised Code of Washington Chapter 43.22 – 43.22A. [\[LINK\]](#)

<sup>32</sup> Washington Administrative Code Title 296 Chapter 49A & 150F Factory Built Housing & Commercial Structures. [\[LINK\]](#)

At AVTC, the portable stall and sink are installed next to the rider platform near Bay 2. The portable and sink are located across two parking spaces in the southeast corner of the adjacent parking lot. At the Burien Transit Center, the portable stall and sink are located next to the entrance of the park and ride garage. At both locations the stalls are anchored to a cement ecology block as a theft prevention tactic with another block alongside as a barrier. Siting at both locations involved assessment of lighting and line of sight from the rider platforms to maximize visibility of both transit and local security officers to maximize safety. Metro prioritized accessibility of people with physical disabilities during siting.

Figure 3 Aerial View of Aurora Village Transit Center  
Figure 4 Aerial View of Burien Transit Center



Given extensive community member and Metro staff concerns regarding safety in and around public restrooms, Metro is providing an additional security officer on site 24 hours a day to monitor access and any behavior that may threaten public safety. Metro considered reduced levels of security staffing, such as limiting use to typical office commute time frames or only overnight, in an effort to reduce costs. To mitigate the risk of increased security incidents, address concerns of residents of adjacent property, align with national standard practice, and provide the highest level of customer service, Metro decided to have a security officer dedicated to managing access and safety of the public restrooms which remain open during bus operations from 4 a.m. – 2 a.m. daily. Metro contracted Security Services Northwest to provide on-site staffing.

The vendor leasing the stalls pumps them out daily and cleans them three times a day. Metro outsourced maintenance due to staffing levels required to ensure cleanliness, along with labor contract constraints relative to the handling of syringes. Both stalls have a sharps container adhered to the interior wall for safe disposal of needles and syringes.

The costs to procure and operate the two portables and handwash stations at both locations are itemized below to illustrate the monthly unit cost per location and total costs. Maintenance costs are based on the pilot plan of vendor-conducted daily cleaning. If Metro staff cleaned the units, it would

entail labor contract negotiations. The contract security officer cost is specific to the management of the restroom and independent of security costs associated with the SaFE Initiative. The expense list below does not include Metro administrative expenses associated with staff time to research, evaluate, and compose this report.

Table 2 Costs of Pilot

Expense	Description	Monthly Unit Cost Per One Location	6 Month Cost Per Two Locations
Planning	Cross division coordination, evaluation of options, & preparation to operate	One-Time Cost	\$70,716
Design & permitting	Feasibility Review, Siting, & Permitting Costs	One-Time Cost	\$34,557
Delivery of Portable	Cost to Deliver to Site	\$75	\$150
Installation	Translation, Print, & Installation of Signage, Securing Unit to Ecology Block	One-Time Cost	\$2,000
Lease & Maintenance of Portable ADA Compliant Stall	Monthly lease rate inclusive of cleaning x3/daily and x1/daily pump out	\$2,775	\$33,300
Lease & Maintenance of Portable Handwash Station	Monthly lease & cleaning x3/daily and x1/daily pump out	\$2,700	\$32,400
Supplies	Sanitizer & seat covers	\$37	\$444
Contract Security Officer	On-site 24 hours daily dedicated to monitoring access & safety of public restroom stall	\$33,000	\$395,000
<b>TOTAL</b>		<b>\$38,587</b>	<b>\$568,567</b>

The figures below illustrate usage of the public restroom stalls at each location monthly, daily, and hourly. The security officer on site dedicated to managing access to the public restroom collected usage counts. Through April 2024, average daily restroom usage at AVTC is 32, while at Burien Transit Center it is 19.<sup>33</sup> Analyzing average daily restroom usage compared to average daily ridership, at AVTC usage represents two percent of ridership while at Burien usage represents less than one percent. Use of both stalls peaks in early afternoon and both are used throughout the overnight timeframe.

<sup>33</sup> King County Metro Power BI Public Restroom Proviso Data (2024) [\[LINK\]](#)

Figure 5 Monthly Restroom Usage by Location

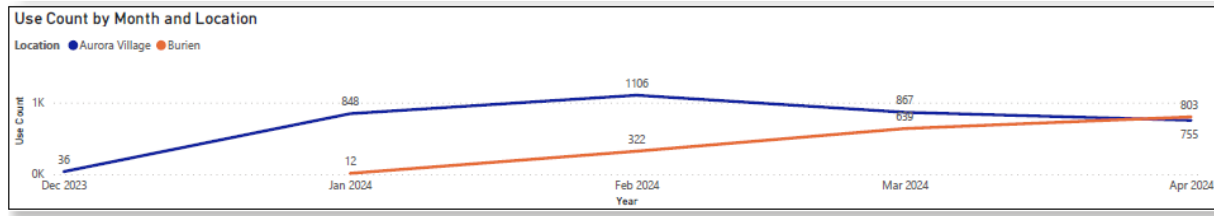


Figure 6 Daily Restroom Usage by Location

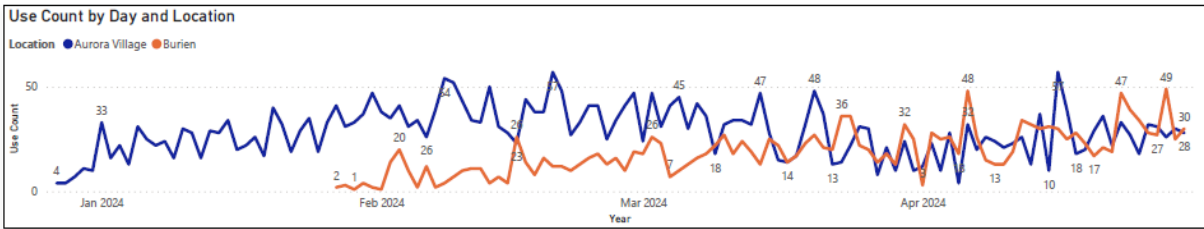
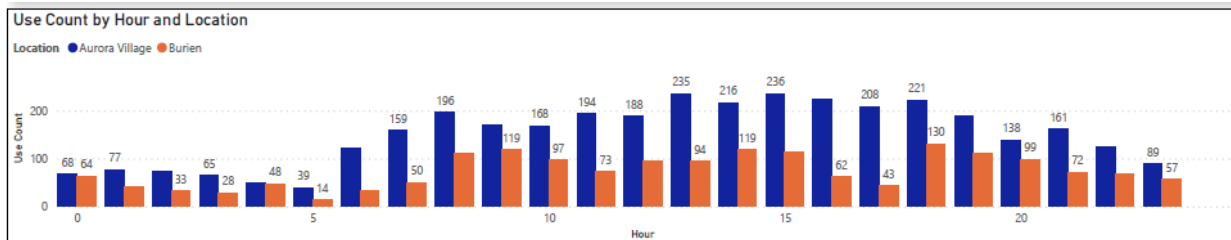


Figure 7 Hourly Restroom Usage by Location



Throughout planning of the public restrooms at the two locations, community members and Metro staff voiced concerns of safety based on historical data at proximate locations such as the portable installed during renovation of AVTC which attracted illicit activity and the public restroom at Echo Lake Park across the street from AVTC which has been vandalized many times and has been the site of on-going illicit activity.<sup>34</sup> Metro staff researched security and design considerations both regionally and nationally to inform planning to maximize public safety in and around the restrooms. The American Public Transportation Association (APTA) recommends increased funding to provide additional security measures to assist in monitoring restrooms that are located outside the paid fare zone and therefore open to public access.<sup>35</sup> Based on APTA’s security and emergency management standards, Metro planned and implemented an additional security officer on site 24 hours daily at both public restroom locations to mitigate safety concerns and monitor access to the restrooms.

In response to community concerns, Metro is operating the restrooms 24 hours daily in alignment with King County’s Equity and Social Justice Plan.<sup>36</sup> Residents living adjacent to the Aurora Village Transit

<sup>34</sup> Currents News from the City of Shoreline (September 2019) City of Shoreline.Vol.21 No7. [\[LINK\]](#)

<sup>35</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>36</sup> King County Equity and Social Justice Plan (2016). King County [\[LINK\]](#)

Center and Echo Lake Park expressed concern that overnight closure of the public restroom at Echo Lake Park is a contributing factor to the observance of excrement on their residential property. Given the historical context of people living outside proximate to both transit centers, Metro decided providing access 24 hours daily would be most responsive to community concerns.

As part of the SaFE Reform initiative, prior to installation of the public restrooms, two security officers have been on site at both locations since the spring of 2023. Initially, in April of 2023, two security officers were on site from 1:30pm-5:30am. In July, two security officers were on site 24 hours daily. When the public restrooms were installed in December at AVTC and January at Burien Transit Center, an additional security officer was deployed on site to focus on monitoring the restrooms. Since installation of the public restrooms, the number of security incidents at each location has decreased.

Table 3 Count of Security Incidents Before and During Operation of Public Restrooms

	Time	Level of Security Staffing	AVTC	Burien
Average Count of Monthly Security Incidents Per Each Pilot Location	December 2022 – March 2023	No Security on Site	12	16
	April 2023 – June 2023	2 security officers deployed 1:30pm-5:30am daily	9	15
	July 2023 – November 2023	2 security officers deployed 24/7 daily	8	15
	December 2023 – March 2024	Public restroom pilot phase 1 additional security officer deployed 24/7 with 2 officers throughout transit center 24/7	6	13

Comparing the average count of monthly security incidents in the five months before restrooms were installed to the four months post installation, data from AVTC illustrates a 25 percent decrease while Burien Transit data demonstrates a 13 percent decrease.

Metro has not received requests for cleaning of the restroom stalls specifically. A vendor cleans both stalls three times a day. Based on data from Metro’s Transit Control Center, which processes requests from Metro operators, from December 2023 to April 2024, there have been 11 counts of maintenance requests involving excrement at AVTC and 13 counts at Burien Transit Center, despite the presence of a public restroom stall on site accessible 24 hours daily. For comparison, in the five months prior to installation of the restrooms, July 2023 through November 2023, the count of maintenance requests involving excrement was four at AVTC and 18 at Burien Transit Center. The number of maintenance requests involving excrement increased 175 percent at AVTC and decreased 28 percent at Burien Transit Center in the immediate five months post installation of the public restroom stall. Metro’s Customer Call Center, which processes feedback and requests from the public, has only received two complaints of excrement at AVTC from December 2023 to April 2024 and none were received specific to Burien Transit Center.



Table 4 Count of Maintenance Requests Involving Excrement at Each Location

	July 2023 – November 2023 (5 Months Prior to Restroom Installation)	December 2023 – April 2024 (5 Months Post Restroom Installation)	Percent Change
AVTC	4	11	175%
Burien Transit Center	18	13	-28%

To evaluate community member perceptions of cleanliness, Metro administered a survey to residents living within a quarter mile of both transit centers two months after the restrooms were installed. A vendor provided mailing lists of residents living within a quarter mile of each transit center, resulting in 495 addresses proximate to AVTC and 1,746 proximate to Burien Transit Center. Based on review of demographic data in the associated census blocks, surveys were translated into both Spanish and Simplified Chinese with response options available online or by paper. Requests to complete the survey were sent to residential mailing addresses via a postcard.

Survey response rates were below two percent for both surveys despite incentives offered for completing. Regarding cleanliness at AVTC, 60 percent of survey respondents noted some waste has been visible around the Transit Center. An interview with a highly engaged resident living nearby AVTC who walks through the transit center daily, has reported increased cleanliness both prior to and post installation of the public restrooms. Regarding cleanliness at Burien Transit Center, 88 percent of respondents noted there was some waste visible around the transit center.<sup>37</sup> Comments from the survey, noted consistent visibility of drug paraphernalia, trash, and excrement around Burien Transit Center with multiple respondents requesting more security on site. Metro’s customer call center has not received direct complaints about excrement on site at Burien Transit Center.

Figure 8 Community Reaction to Installation of Public Restroom at AVTC



Overall, direct community feedback received via email from local advocates has been positive about installation of the public restroom at AVTC, level of security staffing to monitor access and support public safety, as well as cleanliness in and around AVTC. Feedback noted reports of excrement around residential property and occasionally at the transit center. This feedback is consistent with Metro’s facility data. Specific design elements community members valued were accessibility throughout the night and presence of security on site to monitor access and promote public safety.

<sup>37</sup> Metro Public Restroom Resident Survey (2024) [\[LINK\]](#)

## B. A Plan to Install, Operate, and Maintain Additional Public Restrooms at Transit Centers

In 1995 Ordinance 11962 added a new section to King County Code 28.94.100 entitled: Public Restroom Policy for Public Transit Program outlining the following criteria to guide the provision of public restrooms at transit centers.<sup>38</sup>

- A. The County will provide public restrooms at transit centers that meet the following criteria.
  1. The transit center has been designed and sited principally to facilitate transfers between different routes.
  2. The transit center is to be developed off-street on property that the county either owns or controls through a long-term lease.
  3. County service through the transit center makes significant use of “timed meet” schedules.
  4. The transit center has capacity for eight or more in-service coaches; layover bays or terminal space do not count toward meeting this capacity requirement.
  5. There is adequate space on the transit center platform to provide a restroom facility without compromising operating requirements.
  6. A daily platform population of 2,000 (two thousand) or more patrons is projected. This includes transfer activity as well as trips originating or terminating at the center.
  7. At least 25 (twenty-five) buses per peak hour pass through the transit center.
  8. Independent of any decision to provide a public restroom, the level of operation activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.
- B. If these criteria are met, the public restroom will be a gender-neutral facility that will be used both by county employees and by the general public. The restroom will only be available to the public for those hours when a department representative is scheduled to be on-site to manage the service. During those hours, public access to the facility will be controlled by this representative.
- C. If a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department’s normal staff assignments, the local jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs for expanded restroom hours; provided, that such agreements shall be approved by the council as required by the King County Charter, ordinance and/or applicable state law.
- D. The department shall not provide public restrooms at any of the county’s customer facilities that do not meet the criteria above, including the Downtown Seattle Tunnel.
- E. The county will not staff its customer facilities simply to maintain or expand hours of access to public restrooms.

The Code was last revised in 2018 via Ordinance 18670 making minor technical adjustments such as spelling out numbers and changing “unisex” to “gender neutral.”<sup>39</sup> Based on Metro’s analysis of the KCC 28.94.100 criteria, none of Metro transit centers meet criteria eight. Criteria eight notes that independent of any decision to provide a public restroom, the level of operational activity at the transit

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<sup>38</sup> Ordinance 11962 (1995) King County Legislative Search. [\[LINK\]](#)

<sup>39</sup> Ordinance 18760. (2018) King County Legislative Search. [\[LINK\]](#)

center justifies the on-site assignment of a service supervisor for all or a portion of the operating day. None of Metro transit centers have staff assigned on-site for all nor a portion of the day. Metro operations and facilities staff are deployed in mobile ways throughout the field to promote efficiency and responsiveness. Section D of the Code notes the department should not provide public restrooms at any of the county's customer facilities that do not meet the criteria above.

To address the Proviso's requirement to install at least one restroom at Aurora Village and Burien Transit Centers, Metro utilized contract security service to provide on-site management of access to the restroom in effort to align with elements of the Code when feasible, such as those outlined in section B of the Code.<sup>40</sup> Metro staff researched security and design considerations both regionally and nationally to inform planning to maximize public safety in and around the restrooms. The APTA recommends increased funding to provide additional security measures to assist in monitoring restrooms located outside the paid fare zone and therefore open to public access.<sup>41</sup> Based on APTA's Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities which recommends additional security measures to monitor restrooms located outside of fare paid zones, Metro provided a security officer on site 24 hours daily at both locations of the public restroom locations to mitigate safety concerns and to monitor access to the restrooms.<sup>42</sup>

Metro's decision to provide on-site security for the restroom was also based on consultation with peer agencies regionally, such as Sound Transit and the City of Seattle, research of peer agencies nationally, including San Francisco Bay Area Rapid Transit, San Diego Metropolitan Transit System, and Los Angeles County Metropolitan Transportation Authority, and taking into consideration the American Public Transportation Association's recommended practices regarding public restrooms. Metro recommends that the provision of public restrooms include dedicated staffing to monitor access and promote greater safety, security, cleanliness, and accessibility. If interest in public restrooms at transit centers sustains, opportunities exist to improve congruence between Metro recommendations and the Code.

The two pilot locations identified by the Council do not meet other elements of the Code, such as criteria seven, which notes that at least 25 buses per peak hour pass through the transit center. On average, 16 buses pass through Aurora Village Transit per peak hour and 23 per peak hour at Burien Transit Center. Additionally, Aurora Village Transit Center does not meet criteria six, which notes that a daily platform population of 2,000 or more, as daily platform ridership averaged 1,346 between December 2023 to May 2024.<sup>43</sup>

While there are transit centers that meet one or more of the criteria, none meet all the current KCC criteria, even with potential removal of the criteria outlining level of staffing on-site.<sup>44</sup> For example, even excluding the staffing requirements, Burien does not meet peak bus volume criteria. Only four

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<sup>40</sup> King County Code 28.94.100 [\[LINK\]](#)

<sup>41</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>42</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>43</sup> Public Restroom Proviso Business Intelligence Dashboard. (2024) King County Metro [\[LINK\]](#)

<sup>44</sup> List of Transit Centers Meeting King County Code Criteria [\[LINK\]](#)

Metro transit centers meet criteria two requiring county ownership or control via long-term lease along with criteria four outlining capacity for eight or more in-service coaches. Of those four, they each do not meet other criteria such as platform volume or peak hour bus volume requirements. No transit centers meet adequate space on platform for a portable due to impact on operating requirements. Therefore, at this juncture, Metro is not planning to install, operate, or maintain additional public restrooms at transit centers.

Additionally, the Code notes that if a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department's normal staff assignments, the jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs for expanded restroom hours. Implementation of Metro's public restroom initiative thus far has not involved agreements with the City of Shoreline, the City of Burien, or adjacent property owners.

Given King County Council interest in a public restroom at the two locations identified, Metro is currently planning to maintain operations at both locations through the end of 2024. At this juncture, given none of Metro transit centers meet multiple elements of the King County Code criteria, to continue would require further discussion with the King County Executive Office and King County Council to consider options and inform next steps regarding the provision of public restroom at the two pilot locations and possible modifications to King County Code. Further discussion with the King County Executive Office and Council could also inform potential agreements with the City of Shoreline or City of Burien, should they indicate shared interest in operation of the restrooms.

To inform further discussion with the Executive Office and the Council, Metro researched permanent purchased structures as an alternate solution via installation of self-contained modular units such as the Portland Loo and the Throne. The Portland Loo, patented in 2010, is now in use in over 90 locations throughout the United States and Canada.<sup>45</sup> The Loo is constructed of stainless steel to withstand high volume usage and vandalism while deterring illicit activity based on design of louvered panels at the top and bottom of the stalls. It has become a preferred option to mitigate safety concerns and maximize accessibility, due to its durability. The City of Seattle, King County Department of Natural Resources and Parks, and the City of Shoreline have each installed Portland Loos, primarily at parks, and seen positive outcomes. The units do require connections to power and plumbing, increasing initial one-time costs and constraining feasible siting. The long-term durability and accessibility of these units may outweigh initial cost differentials. The Washington State Department of Labor and Industries recently updated rules and laws governing Factory Assembled Structures, and Madden Manufacturing, the manufacturer of the Portland Loo, is in the process of updating design to comply with Washington laws.<sup>46</sup>

King County Parks installed four Portland Loos at Steve Cox Park in White Center in 2019. Overall, Park staff have observed better outcomes for access, maintenance, and deterrence of illicit activity compared to both building restrooms and temporary portable units. In response to a request for feedback, staff at Steve Cox Park reported the Loos are easier and safer to clean, deter graffiti as advertised, and improve their ability to monitor illicit activity in the restroom.

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<sup>45</sup> United States Patent Application Publication. 2010 [\[LINK\]](#)

<sup>46</sup> Revised Code of Washington Chapter 43 Section 22 Department of Labor & Industries Factory Assembled Structures [\[LINK\]](#)

Figure 9 Portland Loos at Steve Cox Park in White Center, Unincorporated King County



Historically, park staff unlock the door each morning and rely on King County Sheriff’s Deputies to lock the doors at night, although they are in the process of changing to programmed locks to automate access during operating hours. Staff have noted the drawback that the Loos are susceptible to plumbing issues during sub-freezing temperatures. The Portland Loo now offers a cold temperature option to mitigate those issues, which is built into to the cost estimates outlined below.

An analysis of cost estimates comparing lease to purchase options illustrates notable one-time cost differences given the initial costs to purchase a modular unit and install connections to plumbing and power. The annual operating costs are much more similar with estimates to operate a permanent structure, which costs an estimated \$44,000 more to operate. This difference does not include costs to repair leased portables that are vandalized. As City of Shoreline noted in the September 2019 issue of Currents, the public restroom at Echo Lake Park has been vandalized repeatedly over the years, including structural fires increasing maintenance costs.<sup>47</sup> Despite many jurisdictions reporting ongoing vandalism to public restrooms, leading to cost increases and long-term closures, available data appears to be insufficient to estimate maintenance costs due to vandalism, therefore it is not reflected in the table below. The actual cost differences to operate may be less, given that the materials used to manufacture temporary portable stalls are less durable than the stainless steel used to manufacture many modular units currently on the market. Cleaning costs below are based on pilot data of vendor providing cleaning; exploration of permanent options would entail re-negotiating labor agreements.

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<sup>47</sup> Currents, News from the City of Shoreline. September 2019. Volume 21 No.7 [LINK](#)

Table 5 Cost Comparison of Lease and Purchase Options

		Cost Estimates			
		Lease Two Portable ADA Stalls with Handwash Stations	Lease One Portable ADA Stall with Handwash Station	Purchase & Install Two Permanent Modular Stalls	Purchase & Install Single Permanent Modular Stall
One-Time Costs	Delivery	\$150	\$75	\$5,535	\$2,768
	Installation	\$2,000	\$1,000	\$1,620,000	\$810,000
	Purchase	\$0	\$0	\$320,000	\$160,000
	<b>TOTAL</b>	<b>\$2,150</b>	<b>\$1,075</b>	<b>\$1,945,535</b>	<b>\$972,768</b>
On-Going Annual Costs	Lease Rate (Inclusive of daily cleaning)	\$132,288	\$66,144	\$0	\$0
	Routine Cleaning (Lease rate of portable includes)	\$0	\$0	\$100,000	\$50,000
	Security Staffing (based on 24/7 access)	\$790,000	\$395,000	\$836,000	\$418,000
	<b>TOTAL</b>	<b>\$922,288</b>	<b>\$461,144</b>	<b>\$936,000</b>	<b>\$468,000</b>

As another option, Throne, is a start-up company providing portable, modular, and ADA accessible units with a ventilation system, flush toilet, and sink with running water. The units can operate without connection to plumbing or power. Less is known about the costs, as the company did not respond to multiple requests for price quotes. Los Angeles County Metropolitan Transportation Authority (LA Metro) is in the process of a six-month pilot of the Throne restroom at three of its highest volume stations, bringing their total public restroom count to six throughout their system. The restrooms are monitored by transit ambassadors, although access is controlled via a scan of a QR code or a text message sent by the person requesting entry. The stalls are equipped with 21 internet connected sensors to inform LA Metro if anything needs attention and to prompt users to exit the stall within 10 minutes by automatically opening the door at that time. The stalls are open from 6 a.m. until 9 p.m. The pilot is the result of an unsolicited proposal received from Throne.

Throne offers some distinct advantages over the Portland Loo, given that the units do not require connection to power or plumbing, thus reducing installation costs and expanding potential siting options within limited spaces such as a transit center. Due to its reliance on a cellular phone for access, it has built in accountability, enabling warnings or restricted access for users who have not followed conditions of use or have damaged the unit. A report of pilot learnings and outcomes is scheduled for delivery to LA Metro in April of 2024, which could further inform Metro planning and discussions with the Executive Office and the Council.

Figure 10 Throne Labs Modular Restroom



Metro recommends the current configuration for the provision of the public restrooms be maintained through end of 2024, including both the structure type and security staffing model. The current configuration is a plastic portable ADA compliant stall with a supplemental handwashing station on the exterior of the unit with dedicated security presence on-site to monitor access and ensure public safety throughout the 24 daily operating hours.

The rationale for the level of security staffing Metro is planning is based on the following:

- American Public Transportation Association (APTA) Recommended Practice
- Consultation with comparable peer agencies nationally and regionally
- Metro’s Risk Management Framework

APTA recognizes that restrooms can become significant security risks if they are not effectively designed and managed. As part of APTA’s Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities, a risk assessment is recommended to examine risk to personnel, assets, infrastructure, and the operating environment. APTA points out that public restrooms located outside of the fare paid zones are likely have higher usage volume than those located within fare paid zones and may be more difficult to secure and monitor, which would require increased funding for more security to assist in monitoring.<sup>48</sup>

To inform planning, Metro consulted with peer agencies regionally, including Sound Transit and the City of Seattle. Sound Transit currently has 10 passenger restrooms throughout its system and the Sound Transit Executive Committee is planning to consider restroom policy changes in 2024.<sup>49</sup> Sound Transit staff are recommending the addition of criteria to guide siting within fare paid zones. Currently, Sound Transit stations with restrooms have security on site while the restroom is accessible, but it not focused on the restroom. Recent renovations have added cameras to enable remote monitoring, though Sound Transit facility managers’ report cameras are often vandalized, and restrooms are used for illicit activity such as distribution of drugs. The restrooms face repeated closures due to vandalism and misuse, which limits accessibility. Sound Transit staff are recommending their restroom policy, Motion No. M98-67, be updated include customer service and janitorial presence to monitor and clean the passenger restrooms.

Seattle Parks and Recreation (SPR) evaluated best practices related to all-gender public restrooms and concluded adequate staffing involves attendants to monitor restroom facilities.<sup>50</sup> SPR installed a modular Portland Loo public restroom at Ballard Commons Park in 2019 with an attendant on site

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<sup>48</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. America Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>49</sup> Sound Transit 2024 Executive Committee Work Program (2024) [\[LINK\]](#)

<sup>50</sup> All Gender Restroom Study. (2016) Seattle Parks and Recreation. [\[LINK\]](#)

during restroom access hours to monitor use and provide maintenance. The location has similarities to Metro’s pilot locations, as it is close to a high volume of people living outside.

On Metro’s Risk Management Framework, safety and security is a key area of risk involving hazards or actions which may lead to harm of employees or the public. Metro recognizes decisions often involve overlapping areas of risk and has determined that three areas take priority: the need to achieve our equity and sustainability objectives and to avoid or adequately control safety and security risks. Relative to safety and security, Metro is risk averse and risk concerned.<sup>51</sup> Risk averse means Metro accepts as little risk as possible while risk concerned indicates a cautious approach to risk taking, involving willingness to only accept a small negative impact to pursue objectives. Metro proactively identifies hazards and vulnerabilities that may threaten safety and security of employees and customers and prioritizes resources to mitigate them.

### **C. Any Legislation Necessary to Implement the Transit Public Restroom Report**

No legislation is necessary to implement the Transit Restroom Report.

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<sup>51</sup> Metro Risk Appetite Statement.(2020) Metro. [\[LINK\]](#)



## VI. Next Steps

For the most part, Metro has not installed, operated, or maintained restrooms for public access. An exception occurred during renovations to Aurora Village Transit Center in 1999, during which a temporary portable stall was placed on site for construction crew. Due to limited capacity to monitor, over time the public began using the stall and it ultimately remained on site post renovation. In accordance with King County Code 28.94.100, Metro approached the City of Shoreline to request an agreement to share operational costs, although one was not established. Metro continued to independently operate the restroom until 2016, when it was removed following repeated incidents threatening security and public safety.

In response to the proviso directive to install at least one public restroom stall at AVTC and Burien Transit Centers, Metro installed a single portable ADA compliant stall with handwash station at each location, beginning in December 2023 at AVTC and January 2024 at Burien Transit Center. The vendor leasing the portable units also provides daily cleaning. Metro operates both restrooms 24 hours daily to be responsive to community concern that limited overnight access to restrooms was contributing to the observance of excrement on residential property and at the transit center. Responsiveness to community is in alignment with King County's Equity and Social Justice Plan.<sup>52</sup> Based on consultation with peer agencies regionally, research of peer agencies nationally, and the American Public Transportation Association's recommended standard practice regarding public restrooms at transit facilities, Metro contracts a security officer on-site 24 hours daily to monitor access and promote greater safety, security, and cleanliness. The pilot was originally planned for a duration of six months at an estimated cost of \$578,567, which is within the \$600,000 withheld contingent upon submission of this report and accompanying motion.

Comparing the average count of monthly security incidents in the five months before restrooms were installed to the four months post installation, data from AVTC demonstrates a 25 percent decrease while at Burien Transit data illustrates a 13 percent decrease. Comparing the five months pre-installation to the five months post installation of the restrooms, the number of maintenance requests involving excrement on site increased 175 percent at AVTC and decreased 28 percent at Burien Transit Center.

Based on analysis of King County Code 28.94.100, none of Metro's transit centers meet criteria eight, which notes that, independent of any decision to provide a public restroom, the level of operational activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day. Section D of the code notes the department should not provide public restrooms at any of the county's customer facilities that do not meet the criteria outlined in code. Metro utilized contract security service to provide on-site management of access to the restroom as outlined in section B of the code. Staff researched security and design considerations both regionally and nationally to inform planning to maximize public safety in and around the restrooms. The American Public Transportation Association (APTA) recommends increased funding to provide additional security measures to assist in monitoring restrooms that are located outside the paid fare zone and therefore

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<sup>52</sup> King County Equity and Social Justice Strategic Plan. (2016) King County [\[LINK\]](#)

open to public access.<sup>53</sup> Based on APTA’s Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities, Metro provided a security officer on site 24 hours daily at both public restroom locations to mitigate safety concerns and to monitor access to the restrooms.

The two pilot locations identified by Council do not meet additional elements of King County Code, criteria seven, which states that at least twenty-five buses per peak hour must pass through the transit center. On average, 16 buses pass through Aurora Village Transit per peak hour and 23 per peak hour at Burien Transit Center. Additionally, Aurora Village Transit Center does not meet criteria six, which specifies a daily platform population of 2,000 or more riders, as daily platform ridership averaged 1,346 over between December 2023 to May 2024.

Additionally, the code notes if a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department’s normal staff assignments, the jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs. Implementation of this public restroom initiative thus far has not involved agreements with the City of Shoreline, the City of Burien, or the owners of adjacent properties.

In alignment with King County Executive Branch True North and Values of being one team and being responsible stewards, Metro is planning to operate the public restrooms at both sites through the remainder of 2024.<sup>54</sup> Metro’s transit centers, including the two pilot locations, do not meet multiple criteria outlined in King County Code 28.94.100 guiding the provision of public restrooms at transit centers. Metro intends to comply with the code as written and therefore will cease operations of the public restrooms at the end of 2024.

## VII. Appendices

### Appendix A: King County Code 28.94.100

#### Public Restroom Policy for Public Transit Program

King County Code, Title 28 Metropolitan Functions, Section 94.100 public restroom policy for public transit is foundational to analysis and recommendations noted throughout the report.<sup>55</sup>

*28.94.100 Public restroom policy for public transit program.*

*A. The county will provide public restrooms at transit centers that meet the following criteria.*

*1. The transit center has been designed and sited principally to facilitate transfers between different routes.*

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<sup>53</sup> Security and Design Considerations for Restrooms at Public Transportation Passenger Facilities. (2021) APTA Standards Development Program Recommended Practice. American Public Transportation Association. Washington, DC. [\[LINK\]](#)

<sup>54</sup> King County Executive Branch True North & Values [\[LINK\]](#)

<sup>55</sup> Title 28 Metropolitan Functions Section 94.100. King County Code [\[LINK\]](#)

2. *The transit center is to be developed off-street on property that the county either owns or controls through a long-term lease.*

3. *County service through the transit center makes significant use of "timed meet" schedules.*

4. *The transit center has capacity for eight or more in-service coaches; layover bays or terminal space do not count toward meeting this capacity requirement.*

5. *There is adequate space on the transit center platform to provide a restroom facility without compromising operating requirements.*

6. *A daily platform population of two thousand or more patrons is projected. This includes transfer activity as well as trips originating or terminating at the center.*

7. *At least twenty-five buses per peak hour pass through the transit center.*

8. *Independent of any decision to provide a public restroom, the level of operational activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.*

*B. If these criteria are met, the public restroom will be a gender-neutral facility that will be used both by county employees and by the general public. The restroom will only be available to the public for those hours when a department representative is scheduled to be on-site to manage the service. During those hours, public access to the facility will be controlled by this supervisor.*

*C. If a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department's normal staff assignments, the local jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs for expanded restroom hours; provided, that such agreements shall be approved by the council as required by the King County Charter, ordinance and/or applicable state law.*

*D. The department shall not provide public restrooms at any of the county's customer facilities that do not meet the criteria above, including the Downtown Seattle Tunnel.*

*E. The county will not staff its customer facilities simply to maintain or expand hours of access to public restrooms. (Ord. 18670 § 87, 2018: Ord. 11962 § 13, 1995).*

**Appendix B: On-Site Observation & Survey Protocols**

**Public Restroom Pilot: Data Collection Plan & Protocol**

Approach: ON-SITE OBSERVATIONS	Observation Protocol
<p>Transit Security Officers (TSO) assigned to Burien and Aurora Village Transit Centers will conduct daily observations. This will be a dedicated assignment, i.e., this role is separate and distinct from the role of officers that provide security across the transit center and/or behavioral health interventions.</p> <p>Dedicated officers will be on site at Burien and AV Transit Centers 24/7.</p> <p>TSOs will note (via an MS form) each time a person enters the on-site restroom.</p> <p>Observations, completed by officers, will take place daily.</p>	<p><i>For each observation they make, patrol officers will document the following information:</i></p> <ol style="list-style-type: none"> <li><b>Date:</b> [date of observation]</li> <li><b>Start time/end time:</b> [start time and end time of observation]</li> <li><b>Name or id of observer:</b> [name or other identifier to indicate the officer who made the observation] <i>This is needed so that if there is a question about any of the information documented, it's possible to go back to the observer to clarify</i></li> <li><b>Notable weather conditions:</b> [short qualitative description, e.g., light rain, heavy rain, cold weather, snow, or nothing notable]</li> <li><b>Are there people waiting to use the public restroom?</b> [closed-ended options, forced choice] <u>Response options</u> Yes=observer can clearly see people waiting in line or waiting to enter the restroom facility No=observer does not see a line, nor people obviously waiting to use the restroom Don't know/unknown=observer is uncertain or unclear if people are waiting to use the restroom facility</li> <li><b>Are there people congregating near or hanging around the restroom?</b> [closed-ended options, forced choice] <u>Response options</u> Yes=observer can clearly see people congregating near the restroom; observer sees people hanging around the restroom who do not appear to have the intent to use the restroom No=observer does not see people congregating near the restroom, hanging around the restroom, loitering Don't know/unknown=observer is uncertain or unclear if people are loitering</li> <li><b>Are people engaging in unsafe or illicit behavior in or around the restroom?</b> closed-ended options, forced choice] <u>Response options</u> Yes=observer can clearly see people engaging in unsafe or illicit behavior in or around the restroom No=observer does not see anyone engaging in unsafe or illicit behavior in or around the restroom</li> </ol>

	<p>Don't know/unknown=observer is uncertain or unclear if people are engaging in unsafe or illicit behavior in or around the restroom facility</p> <p>8. <b>Other observations about the condition of the transit center, the public restroom facilities, or the behavior of those at the transit center or using the restroom facilities?</b> [open-ended]</p>
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Approach: RESIDENT SURVEY	Survey Protocol
<ul style="list-style-type: none"> <li>• Metro will implement a brief survey with a defined sample of residents who live within ¼ mile of Burien and Aurora Village Transit Centers.</li> <li>• Those who complete the survey will be entered into a drawing for a \$50 gift card (Total of 10 available)</li> <li>• Metro research team will implement and summarize results inclusive of translation of survey &amp; post card.</li> <li>• Government relations staff will coordinate mailing list via direct buy from contractor, post card</li> </ul>	<ol style="list-style-type: none"> <li>1. <b>Date</b></li> <li>2. <b>Do you want to be entered into drawing for a \$50 gift card to Fred Meyer?</b></li> <li>3. <b>Preferred Method of Contact if Entering Drawing: Mailing Address or Email</b></li> <li>4. <b>To what extent are you concerned about cleanliness in/around the Transit Center?</b> [closed-ended, forced choice]  <u>Response choices:</u> <ul style="list-style-type: none"> <li>• Very concerned</li> <li>• Somewhat concerned</li> <li>• Not concerned</li> <li>• Don't know/unsure</li> </ul> </li> <li>5. <b>To what extent have you noticed garbage or waste in and around the Transit Center?</b> [closed-ended, forced choice]  <u>Response choices</u> <ul style="list-style-type: none"> <li>• There is a <u>substantial amount</u> of trash or waste in/around the transit center—e.g., trash/waste is visible in many parts of the transit center; accumulated trash/waste is visible on the ground; trash is not contained in or is spilling out of trash bins on site.</li> <li>• There is <u>some</u> trash or waste visible in/around the transit center—e.g., trash/waste is visible in a few places in/around the transit center; there are a few places where accumulated trash/waste is visible on the ground; trash is not contained in or is spilling out of trash bins on site.</li> <li>• There is <u>a little</u> trash or waste visible in/around the transit center— e.g., trash/waste is visible in 1-2 places in/around the transit center; there are a 1-2 places where accumulated trash/waste is visible on the ground; trash is mostly contained in trash bins on site.</li> <li>• Trash/waste is <u>not visible</u> and/or <u>nearly completely contained</u> in trash bins</li> </ul> </li> <li>6. <b>To what extent have you noticed garbage or waste outside your home ?</b> [closed-ended, forced choice]</li> </ol>

<p>development, respondent follow-up, &amp; observation protocol with security staff.</p>	<p><u>Response choices</u></p> <ul style="list-style-type: none"> <li>• There is a <u>substantial amount</u> of trash or waste outside my home—e.g., trash/waste has accumulated or is visible in many areas outside my home</li> <li>• There is <u>some</u> trash or waste outside my home—e.g., there is trash/waste on the ground or visible in several places outside my home.</li> <li>• There is <u>a little</u> trash or waste outside my home— e.g., trash/waste on the ground or visible in 1-2 places outside my home.</li> <li>• There is <u>no</u> trash/waste outside my home.</li> </ul> <p><b>7. Are you aware that Metro has taken steps to address cleanliness around certain transit hubs(for example, installing public restroom facilities at the [Burien/Aurora Village] Transit Center)?</b> [closed-ended]</p> <p><u>Response choices</u></p> <ul style="list-style-type: none"> <li>• Yes, I am aware</li> <li>• No, I am not aware</li> </ul> <p><b>8. In your view, have safety incidents at AV / Burien Transit Center changed in the last 2 months?</b> [closed-ended, forced choice]</p> <p><u>Response choices:</u></p> <ul style="list-style-type: none"> <li>• Safety incidents have increased</li> <li>• Safety incidents have decreased</li> <li>• Safety incidents have not changed</li> <li>• Don't know/unsure</li> </ul> <p><b>9. How satisfied are you with how Metro is addressing cleanliness &amp; availability of public restroom at AV and Burien transit centers?</b> [closed-ended, forced choice]</p> <p><u>Response choices:</u></p> <ul style="list-style-type: none"> <li>• Very satisfied</li> <li>• Somewhat satisfied</li> <li>• Not very satisfied</li> <li>• Not at all satisfied</li> <li>• Don't know/unsure</li> </ul> <p><b>10. Metro values feedback from community members. Do you have observations or comments about conditions at the transit center or additional feedback to offer on how these facilities could be further improved? ?</b> [open-ended]</p>
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## Appendix C: Resident Survey Findings

### Findings – Aurora Village Transit Center Public Restroom Survey

- There were very few responses – but those that did respond were greatly divided (with some reporting intense and pervasive issues with cleanliness, and others comparatively little).
  - There were only 12 total responses.
  - All responses were in English – one response was attempted in Spanish, but all questions were left blank except for the date (this response was excluded from analysis).
- Only a quarter of participants (3 out of 12) noted the presence of waste or trash outside their homes (and these three noted “little” waste, rather than “substantial” waste) – suggesting that where issues with trash did exist, they seemed largely restricted to the Transit Center itself.
- A majority of participants (7/10 – more than two thirds, and nearly three quarters) were not aware of efforts Metro had undertaken to improve cleanliness or bolster public restroom access at the Aurora Village Transit Center.
- Most respondents were NOT SURE or did not feel confident assessing whether safety incidents at the Transit Center had changed in prevalence following Metro’s interventions.
  - 8 out of 10 – four fifths of respondents overall – indicated that they were not confident expressing an opinion about changes.
  - Among the two that DID express an opinion, responses were evenly divided, with one person reporting an increase in incidents and a second person reporting a decrease.
- Overall satisfaction with safety and cleanliness at the Aurora Village Transit Center is low.
  - 9 out of 11 participants (82 percent) rated themselves as either “somewhat” or “very” concerned about cleanliness at the Transit Center; more than a quarter (3 out of 11) were “very concerned.”
  - 6 out of 10 (60 percent) complained that there was at least “some” waste visible around the Transit Center; 20 percent noted that there was “a substantial amount” of trash or waste.
- When asked about satisfaction with Metro’s response to the issues at the Transit Center, no participants were “very satisfied.”
  - Three were “somewhat satisfied.”
  - Two were dissatisfied (either “not very” or “not at all” satisfied).
  - Five were unsure.
- Some suggestions from the public:
  - “Increase security and law enforcement presence and authority at transit centers and on the buses. A better presence of transit staff and supervision at the transit center and stops. Make public restrooms readily available but put time limits on how long people can be in there and enforce the limits. Have timers on the interior/exterior of restrooms (when the door locks the timer starts). Give community members the ability to see something, say something with notices about it posted in visible areas. Have at least one transit staff posted at the center during operating hours and visible to the public, not hiding somewhere. At the end of every run, ensure the bus empties and enforce trespass laws if refusal to leave.”
  - “[There is] open drug use [at the Center].”

- “One concern is the graffiti on the seemly [sic] used building at the transit center. Additionally, the park at Echo Lake needs to have security monitoring. Many transit folks use that restroom as well and just hang around that area.”

#### Findings – Burien Transit Center Public Restroom Survey

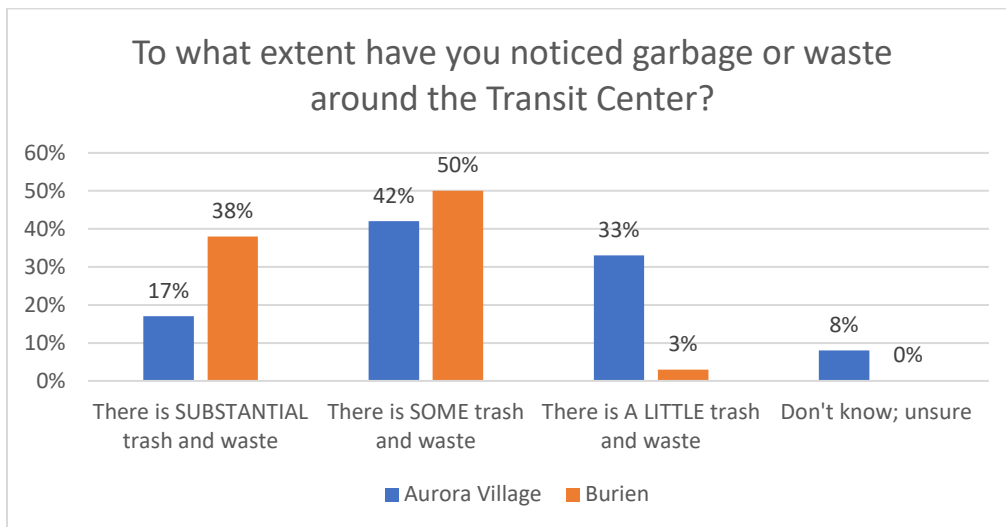
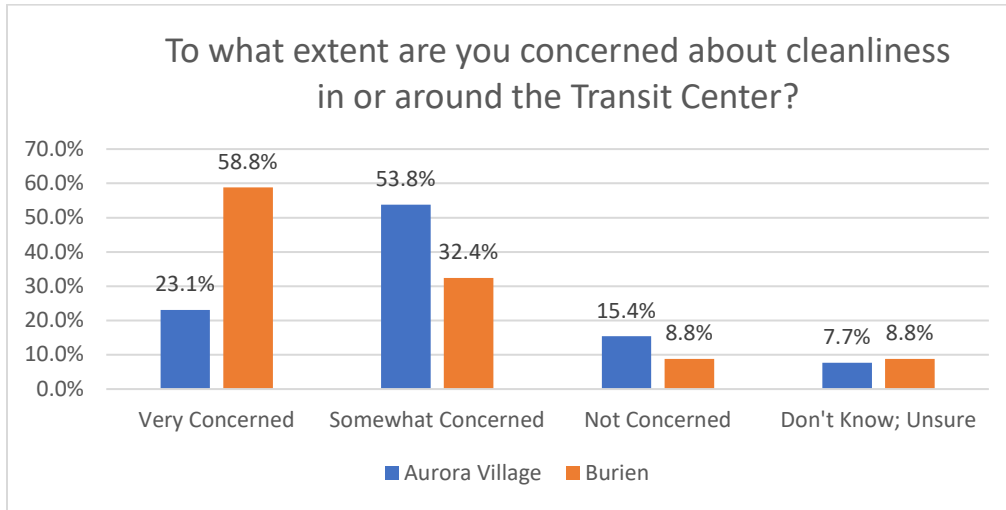
- There were twice as many responses to this survey as to the Aurora Village version (a total of 34 responses). 29 responses were provided in English, and five were provided in Spanish.
- Waste around and apart from the Transit Center is a bigger problem in Burien than at Aurora Village. More than half of participants (19 out of 34 – 55.9 percent) noted the presence of waste or trash outside their homes (and of these, ten (29.4 percent) reported “substantial” waste) – suggesting that issues with trash are not restricted to the Center itself.
- A majority of participants (18/34 – more than half, at 52.9 percent) were not aware of efforts Metro had undertaken to improve cleanliness or bolster public restroom access at the Burien Transit Center.
- Most respondents were NOT SURE or did not feel confident assessing whether safety incidents at the Transit Center had changed in prevalence following Metro’s interventions.
  - 9 out of 34 – about a quarter, at 26.5 percent – indicated that they were unsure or were not confident expressing an opinion about changes.
  - Among those that DID express an opinion, eight respondents felt that safety incidents had remained the same in response to the recent changes (23.5 percent); 13 (at 38.2 percent), a majority, felt that safety incidents at the Center had increased rather than decreasing.
- Overall satisfaction with safety and cleanliness at the Burien Transit Center is very low.
  - 31 out of 34 participants (91.2 percent) rated themselves as either “somewhat” or “very” concerned about cleanliness at the Transit Center; more than half (58.8 percent - 20 out of 34) were “very concerned.”
  - 30 out of 34 (88.2 percent) complained that there was at least “some” waste visible around the Transit Center; 44.8 percent noted that there was “a substantial amount” of trash or waste.
- When asked about satisfaction with Metro’s response to the issues at the Transit Center, only one participant was “very satisfied.”
  - Five were “somewhat satisfied.”
  - Fourteen (41.1 percent) were dissatisfied (either “not very” or “not at all” satisfied).
  - Eleven (32.4 percent) were unsure.
- Some suggestions from the public:
  - “[Needs more] visible security.”
  - “[I] appreciate the security measures.”
  - “I believe the Transit Center is unsafe and a public health nuisance. There are people with drug addiction and drug dealers who frequent the area and cause problems for the Transit Center and surrounding shopping areas. I don’t feel safe in the area. There is

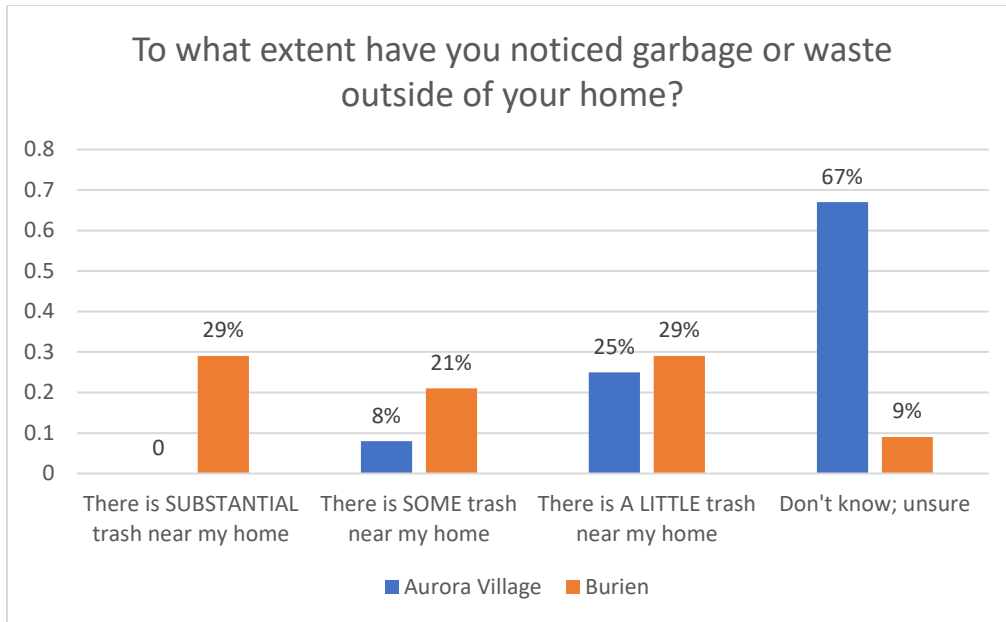


trash, human waste, foil from drug use, etc. on a daily basis – not only at the Transit Center, but flowing over into the immediate area.”

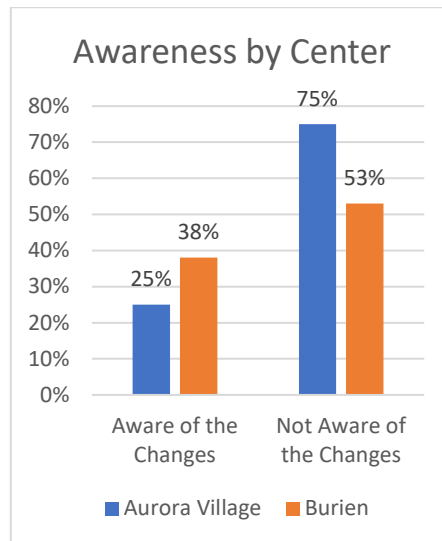
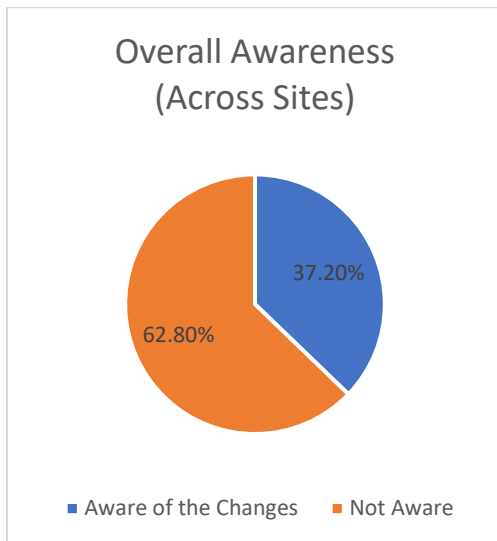
- “There is major drug use, and littering and defecation directly adjacent to the Burien Transit Center all day, every day.”
- “There is ALWAYS broken glass, needles, and trash at the Transit Center, making it impossible for me to take advantage of it. The issue is not maintenance, which only puts a band-aid on the issue, but enforcing the law.”
- “Make open air drug use a FELONY!!”
- “More police presence and no [more] homeless [people].”
- “More covered and wind-sheltered areas. The shelter that is there is fine, but it is so tall that the wind comes in very easily. It would also be nice to have screens showing when the buses will show up next. Also, the bay numbers are very small. It’d be nice if the bays had numbers on them you could see from across the transit center, mounted on top of tall poles.”
- “Too many homeless hanging around and at nearby businesses; feels unsafe.”
- “Very public drug dealing and using, even in the middle of the day. This has decreased a little in the past two months.”
- “Additional cleaners/security/crisis outreach staff/police nearby would be ideal. There is lots of garbage (and rats) near the Transit Center. There is always garbage at and around the curved seating area near the parking lot to the west. Bus stops, like H Line stops, have tons of graffiti and trash too, sometimes including broken glass and drug detritus. It will take lots of intentional work to improve these areas. Thank you for your efforts to keep our public areas clean and safe.”
- “The parking structure at the Burien Transit Center is a ghost town. People are not using that building due to the amount of individuals using drugs openly in and around the Transit Center. I’ve witnessed firsthand hired security sitting inside a private security vehicle, just staring at their phones and doing nothing to prevent what is going on there.”
- “More police controls are necessary. Prosecute criminals. Enforce loitering laws.”
- “Keep homeless people away.”
- “In the past, the areas by the parking lot have needed attention. I’m aware there are sometimes unhoused people using the area and understand the complexities.”
- “I don’t like it that people can openly use illegal drugs in public. Other laws are not allowed to be broken, so I don’t know why public drug use is an exception. I also REALLY want people to pay to ride. Right now, the bus is just enabling people to go downtown and buy drugs. STOP TRANSPORTING PEOPLE WHO DON’T PAY.”
- “[We need] more presence of security.”
- “The homeless population used the benches for their own use; very unsafe for all people to use.”
- “Hay mucha inseguridad cuando llegan los indigentes a los alrededores.” [There is a lot of insecurity when the homeless arrive in the surrounding area.]
- “Todo bien pero tienen q poner mas atencion con los que drogan en el buss.” [It’s all well and good, but you must pay more attention to those who do drugs on the bus.]

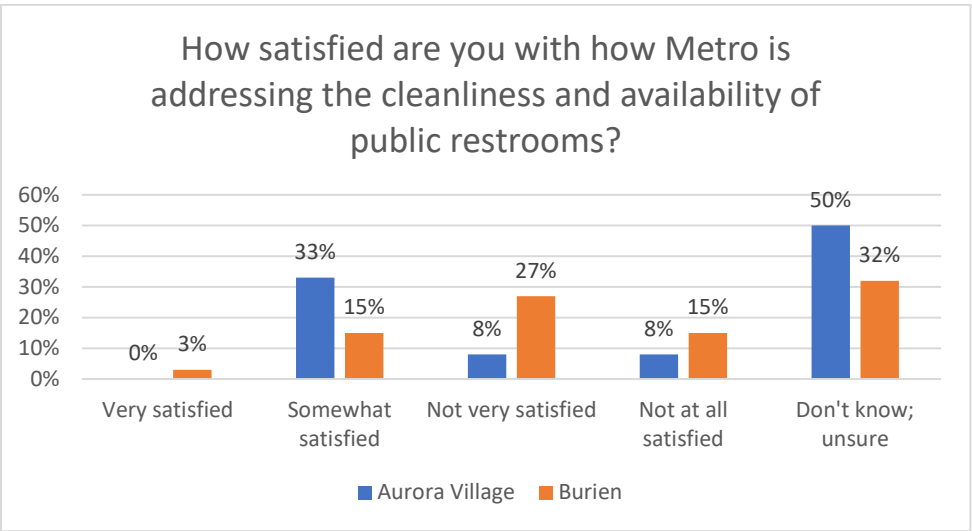
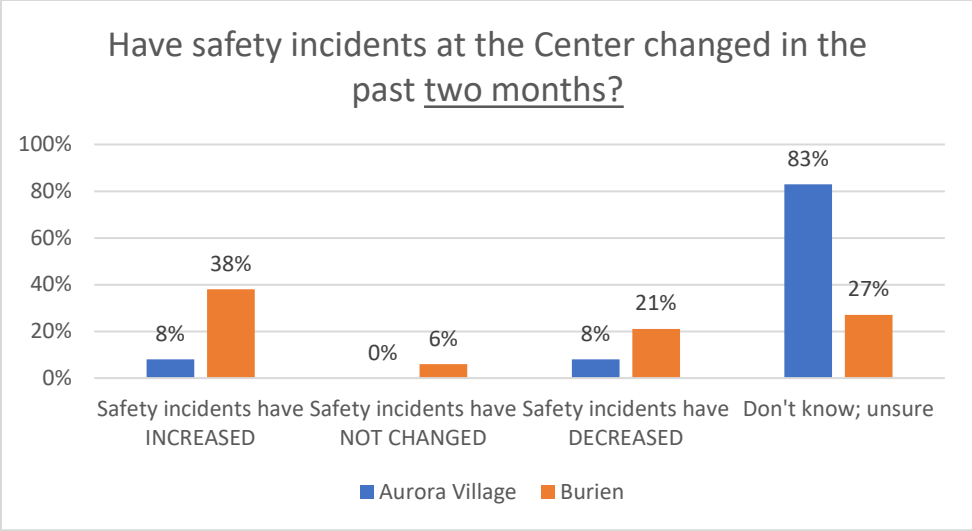
Survey Findings Location Side-by-Side Comparison





*Are you aware that Metro has taken steps to address cleanliness around certain transit hubs (for example, installing public restroom facilities)?*





**Appendix D: List of Transit Centers Meeting King County Code Criteria**

<b><i>KING COUNTY CODE 28.94.100 Public restroom policy for public transit program.</i></b>	<b>Transit Centers Meeting Criteria</b>	<b>Possible Code Modifications</b>
A. The county will provide public restrooms at transit centers that meet the following criteria.		
1. The transit center has been designed and sited principally to facilitate transfers between different routes.	All	
2. The transit center is to be developed off-street on property that the county either owns or controls through a long-term lease.	Auburn <sup>56</sup> , AVTC, Burien, & Redmond	
3. County service through the transit center makes significant use of "timed meet" schedules.	All	
4. The transit center has capacity for eight or more in-service coaches; layover bays or terminal space do not count toward meeting this capacity requirement.	Auburn, AVTC, Burien, & Redmond	
5. There is adequate space on the transit center platform to provide a restroom facility without compromising operating requirements.	None of transit centers identified above	Define adequate per portable & permanent structures
6. A daily platform population of two thousand or more patrons is projected. This includes transfer activity as well as trips originating or terminating at the center.	Burien	Adjust minimum to 10,000 to align with Sound Transit
7. At least twenty-five buses per peak hour pass through the transit center.	Redmond <sup>57</sup>	
8. Independent of any decision to provide a public restroom, the level of operational activity at the transit center justifies the on-site assignment of a service supervisor for all or a portion of the operating day.	None	Dedicated staffing to manage restroom access

<sup>56</sup> Public Restroom Exists at Sound Transit Auburn Station. [\[LINK\]](#)

<sup>57</sup> If comparing to pre-pandemic data of 2019 data, Burien would qualify for both morning and afternoon peak while Aurora meets criteria for volumed during peak morning hours. [\[LINK\]](#)

B. If these criteria are met, the public restroom will be a gender-neutral facility that will be used both by county employees and by the general public. The restroom will only be available to the public for those hours when a department representative is scheduled to be on-site to manage the service. During those hours, public access to the facility will be controlled by this supervisor.

C. If a local jurisdiction or adjacent property owners wish to expand hours of public access to the restroom beyond those available through the department's normal staff assignments, the local jurisdiction or property owner and the county may elect to enter into an agreement to share the additional operating costs for expanded restroom hours; provided, that such agreements shall be approved by the council as required by the King County Charter, ordinance and/or applicable state law.

D. The department shall not provide public restrooms at any of the county's customer facilities that do not meet the criteria above, including the Downtown Seattle Tunnel.

E. The county will not staff its customer facilities simply to maintain or expand hours of access to public restrooms. (Ord. 18670 § 87, 2018; Ord. 11962 § 13, 1995).

None	Adjust so public restrooms are distinct from operator comfort stations
	Given no transit centers are currently staffed, adjust language from <i>may elect</i> to <i>dependent upon</i> cost share agreement with local jurisdiction

**Appendix E: Metro Risk Appetite Statement**

**Metro Risk Appetite Statement**

Metro endeavors to provide safe, efficient, and reliable public transportation that people find easy to use. The agency offers a cost-effective mix of products and services, tailored to specific market needs. Metro is continuously assessing new opportunities for innovation in how we deliver on our mission. Effective and balanced risk management increases the probability of successful outcomes while serving Metro's interests in providing safe, efficient, and reliable public transportation to our region.

Metro’s risk management framework is comprised of:

- a clearly defined risk appetite statement,
- processes to identify, prioritize, and manage significant risks,
- procedures to report and communicate about risks, and
- an understanding of its governance obligations and inherent risk culture.

A clearly defined risk appetite statement is a critical component of our overall enterprise risk management effort. Metro’s leadership will review and update these components as the Enterprise Risk Management program evolves.

This statement guides Metro staff regarding the amounts and types of risk the agency is willing to accept as it pursues opportunities to achieve its mission and objectives. Decision-makers should use this document to inform how they assess and respond to risks. It articulates our willingness to accept risk when making decisions regarding eight key areas of risk, defined below:

Equity – Fair access to opportunities, power, and resources needed to achieve one's full potential.

Sustainability – Actions, policies, practices that create a sustainable environment by environmental stewardship, reducing GHG emissions, preparing for climate impacts and building resilient frontline communities.

Safety and Security – Hazards or actions which may lead to harm to employees or the public.

Strategy – Strategic priorities, planning, leadership, innovation, allocating resources, and responding to changes.

Finance – Use of tax revenues and debt, non-traditional mobility investments, procurement, and outcome-based systems.

Reputation – Public perception and experiences. Confidence, trust, and support for Metro.

Operations – Service, schedule, procedures, systems, business practices, and policies.

Workforce – Recruiting, hiring, succession, employee development, discipline, and labor relations.

Compliance – Action or inaction which may conflict with laws, regulations, financial instruments and audits, agreements, or internal policies.

Metro’s appetite for risk varies according to the risks involved in a decision, circumstance, or operation. Our acceptance of risk is subject to understanding the potential risks and benefits. Responsibility for making decisions within this risk appetite lies with department leadership, division directors, and other senior leaders. Assessments of risk and value should evaluate the risks associated with taking specific actions as well as the risks associated with doing nothing. These assessments inform and support decision making. A decision maker may deviate from this risk statement where an assessment of potential risks and benefits calls for such a decision.

Decisions will often involve overlapping areas of risk. In these situations, three areas take priority over the others:

- The need to achieve our equity objectives,

- The need to achieve sustainability objectives, and
- The need to avoid or adequately control safety and security risks.

Metro’s appetite for risk in each key risk area is characterized on the following scale:

<b>Risk Averse</b>	Accepts as little risk as possible. Not willing to accept any negative impact to pursue objectives.
<b>Risk Concerned</b>	Cautious approach to risk taking. Only willing to accept a small negative impact to pursue objectives.
<b>Risk Neutral</b>	Balanced risk approach. Potential negative impacts and objective completion are given equal consideration.
<b>Risk Tolerant</b>	Greater than normal risks are tolerated. Willing to accept some negative impact to pursue objectives.
<b>Risk Seeking</b>	Aggressive risk taking is justified. Willing to accept a significant negative impact to pursue objectives.

Metro’s risk appetite is illustrated in the shaded areas below.

Key Risk Areas	Risk Averse	Risk Concerned	Risk Neutral	Risk Tolerant	Risk Seeking
Equity					
Sustainability					
Safety & Security					
Strategy					
Operations					
Finance					
Workforce					
Compliance					
Reputation					

The following statements describe Metro’s risk appetite in each of the key risk areas in more detail:

**Equity**

Metro promotes robust community and employee involvement that results in genuinely sharing power with both. We work to advance racial and all forms of social justice throughout Metro and the communities we serve. This requires us to courageously interrupt business as usual which does not promote equity for all. In helping to advance fair access to opportunities, Metro takes an approach that is at a minimum risk tolerant, but which leans toward risk seeking in order to achieve our equity goals.

**Sustainability**

Climate change is a paramount challenge with fundamental and far-reaching consequences. Metro is committed to advancing equitable climate solutions, creating opportunity for all residents, and protecting the natural environment for everyone who lives here today and for all those who will



follow us. With these factors in mind, Metro takes a risk tolerant or risk seeking approach in pursuit of its objectives related to sustainability, climate change, and environmental stewardship.

### **Safety and Security**

Metro is committed to providing a safe and secure environment for our customers and employees. As one of Metro's core values, safety and security are foundational to the success and sustainability of our public transportation system. Metro proactively identifies hazards and vulnerabilities to reduce incidents that have the potential to threaten the safety and security of its employees and its customers. Where decisions, actions, and hazards may lead to harm to employees or customers, resources will be prioritized to mitigate the same. Metro takes a risk averse to risk concerned approach to safety and security related risks, depending on specific circumstances.

### **Strategy**

Public transportation is vitally important to the Puget Sound region, providing connections to jobs, schools, and other destinations. It enables people with limited mobility options to travel, enhances regional economic vitality, and provides an alternative to single-occupant driving helping to address climate change and move toward a more sustainable transportation system. Metro's transportation services, technology, infrastructure, and customers' needs are changing faster than ever. Metro's strategies are pursued with understanding that innovation, and sometimes failure, are necessary components of long-term success. Metro is committed to learning from experienced risks and using those experiences to improve, while ensuring our strategy framework is built on our foundation of safety, sustainability, and equity. Metro takes a risk seeking or risk tolerant approach to strategic risks, depending on specific circumstances.

### **Finance**

Metro has an obligation to exercise sound financial management and build its long-term sustainability while investing its resources in the achievement of the region's mobility goals. Metro's financial resources are provided through the public's trust, and Metro must use those funds productively and effectively to maximize the delivery of services and capital investments contemplated in the METRO CONNECTS long-range vision, including the exploration, integration, and development of innovations in mobility and project delivery. With these factors in mind, Metro's approach to financial risks adjusts between a risk tolerant and risk neutral approach depending on specific circumstances.

### **Reputation**

The trust, confidence, and support of the public we serve are vital to Metro's success. We seek community engagement to ensure customers are informed about our plans and performance and are an integral part of the decision-making process. This is especially important as Metro plans for recovery from the COVID-19 pandemic. Metro strives to sustain a culture of customer service and deliver services that are responsive to community needs. Accordingly, Metro takes a risk concerned or risk neutral approach to reputational risks, adjusting between these approaches depending on specific circumstances.

**Operations**

Metro’s core mission and vision is to provide safe, efficient, and reliable public transportation. Metro’s procedures, systems, business practices, and policies must continuously improve to meet our residents’ needs in a diverse, complex, and changing environment. Therefore, Metro takes an approach that is at a minimum risk neutral, but which leans to risk tolerant approach to operational risks.

**Workforce**

Metro works to develop and sustain a vibrant, talented, engaged, and empowered workforce that is accountable at all levels. This workforce reflects the communities we serve, and each individual shares responsibility for the wellbeing of the organization and its employees. In order to develop this workforce, Metro takes an approach which at a minimum is risk tolerant but leans toward risk seeking depending on the circumstances.

**Compliance**

Metro respects and upholds the statutes, regulations, financial instruments, agreements, and policies which govern our operations. We may develop operations and practices before regulatory frameworks to guide them are available. In areas where strict compliance may conflict with other priorities, Metro will engage the authority involved to satisfy the needs of all parties. Metro generally takes a risk concerned to risk neutral approach to compliance risks.



## King County

### Dow Constantine

King County Executive

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TTY Relay: 711

[www.kingcounty.gov](http://www.kingcounty.gov)

June 28, 2024

The Honorable Dave Upthegrove  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits the report of Transit Public Restroom Initiative, as called for by Ordinance 19546 Section 114, Proviso P1 amended by Ordinance 19633 Section 86, Proviso P1 and a proposed Motion that would, if enacted, acknowledge receipt of the report.

As required, the enclosed report includes a description of the public restrooms installed, operated, and maintained at the Aurora Village and Burien Transit Centers along with cost analysis, estimated monthly usage, and impact on safety and cleanliness. It also includes an analysis of transit centers that meet the criteria outlined in King County Code 28.94.100 public restroom policy for public transit, an evaluation of changes that may promote greater safety, security, and cleanliness, along with cost estimates to continue operations of current portable units and a cost comparison to permanent modular structures.

Based on consult with peer agencies regionally, the American Public Transit Association recommended practice, community concerns, and Metro's Strategic Plan for Public Transportation, the restrooms are available 24 hours daily with access monitored by a security officer to maximize public safety. Metro deployed an array of approaches to engage the community, including attending community meetings, hosting a walking tour, sending a survey to 2,241 residents, and maintaining ongoing dialogue with residents. As one community member shared, "In regard to the portable at AVTC, it has worked well. I attribute the success to 24-hour security and three times a day cleaning. Metro has really done well."

Metro will maintain current operations at both locations through the end of 2024. Metro's transit centers, including the two pilot locations, do not meet multiple criteria outlined in King County Code 28.94.100 guiding the provision of public restrooms at transit centers. Metro intends to

The Honorable Dave Upthegrove

June 28, 2024

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comply with the code as written and therefore will cease operations of the public restrooms at the end of 2024.

Thank you for your consideration of this report. I look forward to further discussion. If your staff have questions, please contact Sarah Margeson, Government Relations Administrator, Metro Transit Department at 206-263-5852.

Sincerely,



for

Dow Constantine  
King County Executive

Enclosure

cc: King County Councilmembers  
ATTN: Stephanie Cirkovich, Chief of Staff  
Melani Hay, Clerk of the Council  
Karan Gill, Chief of Staff, Office of the Executive  
Penny Lipsou, Council Relations Director, Office of the Executive  
Michelle Allison, General Manager, Metro Transit Department  
DeAnna Martin, Chief of Staff, Metro Transit Department  
Ade Franklin, Division Director, Transit Facilities, Metro Transit Department  
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