

July 20, 1995
DR:kr
conduct.ord

MAGGI FIMIA
Introduced by: Greg Nickels
Proposed No.: 95-339

ORDINANCE NO. **11950**

AN ORDINANCE relating to a code of conduct on transit property and prescribing penalties; amending and adding new sections to Ordinance No. 11033, Section 3 as amended, Ordinance No. 11431, Section 1 as amended and K.C.C. 28.92.040, 28.92.052, 28.92.140; amending Ordinance No. 11033, Section 8 as amended and K.C.C. 28.94.050; repealing Ordinance No. 11033, Sections 7 and 9 as amended and K.C.C. 28.94.040 and 28.94.060; and adding new sections.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11033, Sections 7 and 9 as amended and K.C.C. 28.94.040 and 28.94.060 are each repealed.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. Title 28 the following new section:

FINDINGS

A. The safety, security, comfort and convenience of passengers will be directly affected by such factors as the large number of people utilizing transit property, particularly at peak commute hours; the system's ability to maintain precise scheduling of transit vehicles; the limited platform space and the restricted bus lanes in the tunnel stations and other passenger facilities; the limited exits available in case of an emergency on transit vehicles and in tunnel and other passenger facilities; and the limited space available at tunnel and passenger facilities for general pedestrian circulation and for accessing/egressing transit vehicles.

B. The benefits of the transit system, including the increase of mobility throughout the region and the reduction of general traffic congestion, vehicular and pedestrian accidents, roadway deterioration and environmental pollution, are dependent upon full and efficient utilization of transit property, which in turn requires that transit property provide a safe, secure, comfortable and inviting atmosphere.

C. To provide for the safety, security, comfort and convenience of passengers and to encourage their use of the transit system, and to provide for the safety, security and

1 comfort of all directly or indirectly affected transit
2 employees, (1) public access to transit properties must be
3 limited, with authorized exceptions, to those using said
4 properties for public transportation-related activities and (2)
5 the conduct of all those using transit properties must be
6 regulated.

7 SECTION 3. Ordinance 11033, Section 3 as amended and
8 K.C.C. 28.92.040 are each amended to read as follows:

9 "Commercial activities" shall mean (~~the selling, offering~~
10 ~~for sale, displaying, distributing or providing of any goods,~~
11 ~~merchandise or services, advertising, distributing or conveying~~
12 ~~information or materials related to a commercial enterprise,~~
13 ~~and carrying on any business activities of any kind or~~
14 ~~nature.~~) engaging in activities which are primarily of a
15 business or commercial purpose, including but not limited to
16 selling, offering for sale, displaying, distributing or
17 providing any goods, merchandise or services as well as any
18 advertising, promotion or conveying of information or materials
19 related to such goods, merchandise or services. Provided,
20 however, a passenger who, while using the transit system,
21 merely wears clothing or buttons which bear a lawful commercial
22 message or lawfully parks a vehicle which bears a lawful
23 commercial message shall not be deemed to be engaged in a
24 commercial activity requiring authorization under section 17 of
25 this ordinance.

26 NEW SECTION. SECTION 4. There is hereby added to
27 K.C.C. 28.92 a new section to read as follows:

28 "Department" shall mean the department of King County
29 which is responsible for the provision of public transportation
30 services.

31 SECTION 5. Ordinance 11431, Section 1 as amended and
32 K.C.C. 28.92.052 are each amended to read as follows:

33 "Director" shall mean the (~~executive~~) director of the
34 department (~~of metropolitan services~~) or a duly authorized
35 designee.

1 NEW SECTION. SECTION 6. There is hereby added to
 2 K.C.C. 28.92 a new section to read as follows:

3 "Other passenger facilities" or "passenger facilities"
 4 shall mean all transit passenger facilities, other than tunnel
 5 facilities, including but not limited to transit centers, park
 6 & ride lots, bus shelters and streetcar platforms, whether
 7 owned, leased or operated by the department. "Passenger
 8 facilities" does not include public streets and sidewalks
 9 adjacent to the facility unless the public streets and
 10 sidewalks are covered under a use or other permit granted to
 11 the county for transit purposes.

12 SECTION 7. Ordinance 11033, Section 3 as amended and
 13 K.C.C. 28.92. are each amended to read as follows:

14 "Public communication activities" shall mean (~~the posting~~
 15 ~~or distributing of flyers, pamphlets, brochures, books or other~~
 16 ~~written material, collecting petition signatures, political~~
 17 ~~campaigning, demonstrating, displaying signs, picketing,~~
 18 ~~conducting surveys, soliciting or receiving of funds or~~
 19 ~~contributions of any kind for any purpose, or otherwise~~
 20 ~~communicating or attempting to communicate to the general~~
 21 ~~public.)) communicating or attempting to communicate to the
 22 public (1) with intent to convey a particularized message of a
 23 political, social, religious, ideological or philosophical
 24 nature and (2) in a manner likely to be understood by those who
 25 receive it, including such methods as: public speaking; posting
 26 or distributing flyers, pamphlets, brochures, books or other
 27 written material; musical performance, including the passive
 28 acceptance of donations by the performer; collecting petition
 29 signatures; political campaigning; demonstrating and carrying
 30 signs; and soliciting or receiving funds or contributions of
 31 any kind by an organization registered with the secretary of
 32 state under chapter 19.09 RCW and any other office requiring
 33 registration for charitable solicitations under applicable law.
 34 Provided, however, the offering for sale and sale of goods or
 35 merchandise shall constitute "commercial activities" and not~~

1 "public communications activities" unless the goods or
2 merchandise are inextricably intertwined with a political,
3 social, religious, ideological or philosophical message.
4 Provided, further, a passenger who, while using the transit
5 system, merely wears clothing or buttons which bear a lawful
6 message or lawfully parks a vehicle which bears a lawful
7 message shall not be deemed to be engaged in a public
8 communications activity subject to the limitations and
9 prohibitions of section 16 of this ordinance.

10 NEW SECTION. SECTION 8. There is hereby added to
11 K.C.C. 28.92 a new section to read as follows:

12 "Transit property(ies)" shall mean all vehicles and
13 facilities used in the transit system including transit
14 vehicles, tunnel facilities and other passenger facilities.

15 NEW SECTION. SECTION 9. There is hereby added to
16 K.C.C. 28.92 a new section to read as follows:

17 "Transit vehicle(s)" shall mean all transit passenger
18 vehicles including buses, paratransit vans, trolleys, street
19 railcars and any other revenue service vehicle operated by or
20 on behalf of the department, but not including vanpool vans.

21 NEW SECTION. SECTION 10. There is hereby added to
22 K.C.C. 28.92 a new section to read as follows:

23 "Tunnel mezzanine area(s)" or "mezzanine area(s)" are
24 those portions of the Westlake, University Street and Pioneer
25 Square tunnel stations which are between the surface level
26 entrance to the station and the platform level where transit
27 vehicles operate.

28 NEW SECTION. SECTION 11. There is hereby added to
29 K.C.C. 28.92 a new section to read as follows:

30 "Tunnel facilities" shall mean the stations providing
31 access to the buses running in the downtown Seattle tunnel
32 corridor and related facilities including the roadway at and
33 between stations, platform levels, mezzanine levels and above
34 ground plazas.

1 NEW SECTION. SECTION 12. There is hereby added to
2 K.C.C. 28.92 a new section to read as follows:

3 "Tunnel platform area(s)" or "platform area(s)" are those
4 portions of each tunnel station where the public boards and
5 exits transit vehicles.

6 NEW SECTION. SECTION 13. There is hereby added to
7 K.C.C. 28.92 a new section to read as follows:

8 "Tunnel plaza area(s)" or "plaza area(s)" are those
9 portions of the International District and Convention Place
10 tunnel stations which are located at the surface street level
11 and which provide access/egress to the subsurface levels.

12 NEW SECTION. SECTION 14. There is hereby added to
13 K.C.C. Title 28 the following new section:

14 REGULATION OF CONDUCT ON TRANSIT PROPERTY.

15 A. INFRACTIONS. The following actions are prohibited
16 in, on or in relation to all transit properties. For conduct
17 not amounting to a violation of another applicable state or
18 local law bearing a greater penalty or criminal sanction than
19 is provided under this ordinance, a person who commits one of
20 the following acts in, on or in relation to transit property
21 shall be guilty of a civil infraction to which the provisions
22 of chapter 7.80 RCW shall apply.

23 1. Allowing any animal to occupy a seat on transit
24 property, to run at large without a leash, to unreasonably
25 disturb others, or to obstruct the flow of passenger or bus
26 traffic; provided, animals may occupy a passenger's lap while
27 in a transit vehicle or facility;

28 2. Allowing his/her animal to leave waste on transit
29 property;

30 3. Rollerskating, rollerblading, or skateboarding;

31 4. Riding a bicycle, motorcycle or other vehicle
32 except for the purpose of entering or leaving passenger
33 facilities on roadways designed for such use. In tunnel
34 facilities, bicycles must be walked at all times and may not be
35 transported on escalators. Provided, however, nothing in this

1 section shall be construed to apply to commissioned peace
2 officers or county employees engaged in authorized activities
3 in the course of their employment;

4 5. Eating or drinking; provided, however, eating and
5 drinking nonalcoholic beverages are permitted on the
6 mezzanine and exterior plaza levels of tunnel stations and
7 the exterior areas of other passenger facilities; and
8 provided, further, drinking a nonalcoholic beverage from a
9 container designed to prevent spillage is permitted on
10 transit property;

11 6. Bringing onto a transit passenger vehicle any
12 package or other object which blocks an aisle or stairway or
13 occupies a seat if to do so would, in the operator's sole
14 discretion, cause a danger to passengers or displace
15 passengers or expected passengers;

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

19 8. Engaging in public communication activities or
20 commercial activities except as authorized under sections 15
21 and 16 of this ordinance;

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

26
27
28
29
30

/
/
/
/
/

1 10. Camping in or on transit property; storing
2 personal property on benches, floors or other areas of transit
3 property;

4 11. Entering or crossing the transit tunnel roadway
5 or transit vehicle roadways in and about other passenger
6 facilities, except in marked cross-walks or at the direction of
7 county or public safety personnel;

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

11 13. Hanging or swinging on bars or stanchions, with
12 feet off the floor, inside a transit vehicle or other transit
13 property; hanging onto or otherwise attaching oneself at any
14 time to the exterior of a transit vehicle or other transit
15 property;

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

18 15. Parking a vehicle in an approved parking area on
19 transit property for more than seventy-two (72) consecutive
20 hours;

21 16. Using a transit facility for residential or
22 commercial parking purposes;

23 17. Performing any non-emergency repairs or cleaning
24 of a vehicle parked on transit property;

25 18. Conducting driver training on transit property.

26 B. MISDEMEANORS. The following actions are prohibited
27 in, on or in relation to all transit properties. For conduct
28 not amounting to a violation of another applicable state or
29 local criminal law bearing a greater penalty than is provided
30 under this ordinance, a person who commits one of the following
31 acts in, on or in relation to transit property shall be guilty
32 of a misdemeanor.

33 1. Smoking or carrying a lighted or smoldering pipe,
34 cigar, or cigarette while in a transit vehicle or in the
35 platform or mezzanine areas of the tunnel;

1 2. Discarding litter other than in designated
2 receptacles;

3 3. Playing a radio, tape recorder, audible game
4 device or any other sound-producing equipment, except when such
5 equipment is connected to earphones that limit the sound to the
6 individual listener; provided, however, the use of
7 communication devices by county employees, county contractors
8 or public safety officers in the line of duty is permitted, as
9 is the use of private communication devices used to summon,
10 notify or communicate with other individuals (e.g., "beepers"
11 or portable telephones);

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

14 5. Carrying flammable liquids, flammable or
15 nonflammable explosives, acid or any other article or material
16 of a type or in a manner that is likely to cause harm to
17 others; provided, however, that cigarette, cigar or pipe
18 lighters, firearms, weapons, and ammunition may be carried if
19 in a form or manner that is not otherwise prohibited by law or
20 ordinance;

21 6. Intentionally obstructing or impeding the flow of
22 transit vehicle or passenger movement, hindering or preventing
23 access to transit property, causing unreasonable delays in
24 boarding or deboarding, reclining or occupying more than one
25 seat, or in any way interfering with the provision or use of
26 transit services;

27 7. Unreasonably disturbing others by engaging in
28 loud, raucous, unruly, harmful, abusive or harassing behavior;

29 8. Defacing, destroying or otherwise vandalizing
30 transit property or any signs, notices or advertisements
31 thereon;

32 9. Drinking an alcoholic beverage or possessing an
33 open container of same; provided, however, possessing and
34 drinking an alcoholic beverage is not prohibited in the tunnel
35 facilities if authorized as part of a scheduled special event

1 for which all required permits have been obtained and when said
2 facilities are not in use for transit purposes;

3 10. Entering nonpublic areas, including but not
4 limited to tunnel staging areas and equipment rooms, except
5 when authorized by the director or when instructed to by county
6 or public safety personnel;

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

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

12 13. Failing to present a valid, unexpired pass,
13 transfer or ticket or otherwise failing to pay the appropriate
14 fare as required under county ordinance;

15 14. Possessing an unissued transfer or tendering an
16 unissued transfer as proof of fare payment;

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

20 16. Falsely claiming to be a transit operator or
21 other transit employee; or through words, actions and/or the
22 use of clothes, insignia or equipment resembling department-
23 issued uniforms and equipment, creating a false impression that
24 he or she is a transit operator or other transit employee;

25 17. Bringing onto transit property odors which
26 unreasonably disturb others or interfere with their use of the
27 transit system, whether such odors arise from one's person,
28 clothes, articles, accompanying animal or any other source; and

29 18. Engaging in gambling or any game of chance for
30 the winning of money or anything of value.

31 NEW SECTION. SECTION 15. There is hereby added to
32 K.C.C. Title 28 the following new section:

33 REGULATION OF PUBLIC COMMUNICATION ACTIVITIES ON TRANSIT
34 PROPERTY

35 A. GENERAL.

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

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

- 13 a. Securing the use of scarce parking spaces and
14 shelter space for persons who are using public
15 transit services;
- 16 b. Maintaining safe, clean and secure transit
17 properties to retain existing, and attract new
18 users of public transit services;
- 19 c. Reducing litter pick-up and other maintenance or
20 administrative expenses so as to maximize the
21 provision of public transit services;
- 22 d. Preventing delays and inconvenience to
23 passengers by minimizing congestion, and
24 expediting their boarding, transferring, and
25 deboarding of transit vehicles; and
- 26 e. Securing scarce space at the tunnel and other
27 passenger facilities for potential commercial
28 activities intended to produce revenues for the
29 system and attract riders with convenience
30 services and goods.

31 It is the purpose of this section to describe the
32 varying degrees to which passengers and the public are allowed
33 to engage in public communication activities on the three
34 categories of transit property identified in sections 15(B),
35 15(C) and 15(D) of this ordinance. This section does not apply

1 to county activities or to county employees engaged in
2 authorized activities in the course of their employment.

3 2. Obligations of Communicator. In addition to any
4 civil infraction or criminal sanctions which may be applicable
5 under this ordinance or applicable federal, state and local
6 law, any person engaged in public communication activities and
7 found responsible for litter, damages or destruction of
8 property, whether by accident or intent, shall be responsible
9 for cleaning-up and/or shall be liable for the cost of clean-
10 up, repair and replacement as necessary.

11 3. Non-county Uses. Notwithstanding the limitations
12 and prohibitions contained in this section, the county reserves
13 the right to enter into licenses, leases or other use
14 agreements permitting non-county uses of transit properties
15 which are found to be compatible with the county's proprietary
16 public transit function and interests; provided, the executive
17 shall comply with applicable King County Charter, King County
18 Code and state law requirements in executing such licenses,
19 leases and agreements.

20 B. TRANSIT VEHICLES AND TUNNEL PLATFORM AREAS. Public
21 communication activities are prohibited in transit vehicles and
22 tunnel platform areas.

23 C. TUNNEL MEZZANINE AND PLAZA AREAS.

24 1. Public communication activities which are
25 otherwise lawful are permitted in mezzanine and plaza areas
26 subject to the prohibitions, limits, exceptions, terms and
27 conditions of this section 15(C).

28 2. Signs, leaflets, posters, flyers, pamphlets,
29 brochures and written, pictorial or graphic material of any
30 kind, structures, banners and any other paraphernalia may not
31 be posted or affixed to tunnel property or erected in or on
32 tunnel property.

33 3. Signs carried by or on a person are permitted,
34 provided the signs are not constructed of a size or material
35 which could inadvertently or intentionally cause injury to a

1 person or property. Signs must not be of a size that obstructs
 2 the free flow of pedestrians and must not exceed 36 inches by
 3 36 inches in any case. A "sandwich board" sign must not extend
 4 significantly beyond the carrier's shoulders.

5 4. Public communication activities are not permitted
 6 within fifteen (15) feet of any stairway, escalator, elevator,
 7 entrance, customer service counter, ticket or automatic teller
 8 machine or authorized commercial activity. Public
 9 communications activities are not permitted within five (5)
 10 feet of any fire safety system component, telephone,
 11 information board or news vending machine. Additionally,
 12 public communications activities must not block normal
 13 pedestrian paths to and from the areas noted above.

14 5. For safety and security reasons, to ensure that
 15 the free flow of pedestrians and the intended transportation
 16 functions of the tunnel stations are met, and to accommodate
 17 other activities competing for the limited available space, a
 18 collective maximum number of individuals allowed to engage in
 19 public communications activities at any one tunnel location is
 20 hereby established. Because of different station
 21 configurations, the numbers of individuals allowed to engage in
 22 public communication activities at the same location and time
 23 shall be limited as follows:

<u>Station (Location)</u>	<u>Maximum # of persons</u>
24 Convention Place (Plaza),	8
25 Convention Place (Platforms)	0
26 Westlake (Mezzanine)	8
27 Westlake (Platforms)	0
28 University Street (N. Mezzanine)	4
29 University Street (S. Mezzanine)	4
30 University Street (Platforms)	0
31 Pioneer Square (N. Mezzanine)	4
32 Pioneer Square (S. Mezzanine)	4
33 Pioneer Square (Platforms)	0
34 International District (Plaza)	8
35 International District (Platform)	0

36 6. A single group whose number of participants is
 37 known in advance, or is found at the time, to consist of four
 38 (4) or more persons shall be required to obtain a Letter of
 39

1 Authorization in accordance with section 15(E) of this
2 ordinance.

3 7. Individuals or groups engaged in public
4 communication activities who desire to use a table or public
5 address system, loudspeaker or other sound amplifying device
6 must obtain a Letter of Authorization with the appropriate
7 endorsement(s) in accordance with sections 15(E), 15(F) and
8 15(G) of this ordinance.

9 8. Persons engaged in public communications
10 activities in compliance with this section 15 may nevertheless
11 be required to cease or to move to another specified area
12 within the same or a different tunnel location if the number of
13 persons engaged in public communication activities, their
14 location or their manner of conducting the activities creates
15 safety or security problems, interferes with the free flow of
16 persons into, within, or from a plaza or mezzanine area or
17 interferes with the operation use and quiet enjoyment of the
18 facility or transit service therein.

19 D. OTHER PASSENGER FACILITIES.

20 1. Public communications activities which are
21 otherwise lawful are permitted in or on passenger facilities
22 other than the tunnel, subject to the prohibitions, limits,
23 exceptions, terms and conditions of this section 15(D).

24 2. Selling or offering for sale books, pamphlets, or
25 any other written, printed or recorded material is prohibited.

26 3. Soliciting or receiving funds is prohibited
27 regardless of the purpose or method employed.

28 4. Signs, leaflets, posters, flyers, pamphlets,
29 brochures and written, pictorial or graphic material of any
30 kind, structures, banners and any other paraphernalia may not
31 be posted or affixed to passenger facilities or vehicles parked
32 at such facilities and may not be erected in or on passenger
33 facilities. Provided, however, posting of literature in
34 accordance with department regulations is permitted on kiosks

1 or bulletin boards installed by the department for use by
2 passengers and the general public.

3 5. Signs carried by or on a person are permitted
4 provided the signs are not constructed of a size or material
5 which could inadvertently or intentionally cause injury to a
6 person or property. Signs must not be of a size that obstructs
7 the free flow of pedestrians and must not exceed 36 inches by
8 36 inches in any case. A "sandwich board" sign must not extend
9 significantly beyond the carrier's shoulders.

10 6. Public communication activities are not be
11 permitted in parking areas or roadways. Public communication
12 activities must not block any loading zone, signage, stairway,
13 escalator, elevator, customer service counter, ticket or
14 automatic teller machine, authorized commercial activity, any
15 fire safety system component, telephone, information board or
16 the normal pedestrian paths to and from such areas.

17 7. For safety and security reasons and to ensure that
18 the free flow of pedestrians and the intended transportation
19 functions of the passenger facilities are met, a collective
20 maximum number of individuals allowed to engage in public
21 communications activities at any one passenger facility may be
22 established by the department based on the size and
23 configuration of the facility.

24 8. A single group whose number of participants is
25 known in advance, or is found at the time, to consist of four
26 (4) or more persons shall be required to obtain a Letter of
27 Authorization in accordance with section 15(E) of this
28 ordinance, subject to the department's determination of a
29 collective maximum number of individuals, representing the same
30 or different group or cause, which may be authorized at each
31 passenger facility.

32 9. Persons engaged in public communications
33 activities in compliance with this section 15 may nevertheless
34 be required to cease or to move to another specified area
35 within the passenger facility if the number of persons engaged

1 in the activities, their location or their manner of conducting
2 the activities create safety or security problems, interfere
3 with the free flow of persons into, within or from transit
4 vehicles or passenger facilities, or interfere with the
5 operation, use and quiet enjoyment of transit vehicles,
6 passenger facilities or public transportation services.

7 10. Persons engaged in public communication
8 activities in or on passenger facilities shall not use any
9 parking spaces provided at such facilities unless they are also
10 using a public transportation service.

11 11. Persons engaged in public communication
12 activities who desire to use a public address system, a
13 loudspeaker or other sound amplifying device must obtain a
14 Letter of Authorization with the appropriate endorsement in
15 accordance with sections 15(E) and 15(G) of this ordinance.

16 E. LETTER OF AUTHORIZATION.

17 1. A Letter of Authorization will be issued on a
18 first-come, first-served basis, subject to availability, and
19 will be valid for a specific location, date, and time period.
20 Actual use of a Letter will be limited to the normal hours and
21 days during which a specified location is open for public
22 access. No more than two (2) Letters will be issued for a
23 given location, date and time period to individuals
24 representing the same group or cause.

25 2. A Letter of Authorization may be obtained in-
26 person from the department during normal county business hours
27 for same-day use or may be obtained up to seven (7) days in
28 advance of the date of intended use. Mailed requests for
29 Letters of Authorization must be received at least ten (10)
30 days prior to the date of intended use to allow time for return
31 receipt.

32 3. Persons or groups who are issued Letters of
33 Authorization shall, as a precondition to the issuance of the
34 Letter, agree to indemnify, defend and hold harmless the county
35 and its officers, agents and employees from all suits, claims,

1 actions and damages of whatsoever kind or nature arising out of
2 or resulting from the persons' or groups' use of the premises,
3 except to the extent caused by the negligence of the county and
4 its officers, agents and employees. Such persons or groups
5 shall further covenant and agree to specifically assume
6 potential liability for actions brought by their own employees
7 against the county and its officers, agents and employees and,
8 for that purpose only, they shall specifically waive any
9 immunity under the workers' compensation act, Title 51 RCW.

10 4. A Letter of Authorization may be transferred to
11 another person engaged in the same activity provided the
12 receiving party complies with the conditions of the Letter and
13 retains it on his/her person during the activity.

14 5. Persons issued a Letter of Authorization will be
15 required to have it on their person or with their group when
16 engaged in their activity. At the request of a county employee
17 or a law enforcement officer, persons or groups engaged in
18 public communication activities must produce a valid Letter for
19 the date, time period and location of the activities if they
20 are utilizing a table, using sound amplification equipment, or
21 where four (4) or more persons are engaged in the activity.
22 Persons or groups without a valid Letter will be required to
23 cease their activities until a valid Letter is obtained or the
24 activities are conducted without a table, sound amplification
25 equipment or involving less than four (4) individuals.

26 6. Letters of Authorization may not be reproduced or
27 altered in any manner. Reproduced or altered Letters will be
28 considered invalid and confiscated. The holder of the invalid
29 Letter will be required to cease their activity until a valid
30 Letter is obtained or the activity is conducted without a
31 table, sound amplification equipment or involving less than
32 four (4) individuals.

33 7. A Letter of Authorization (with or without a Table
34 or Sound Amplification Endorsement) may be revoked immediately
35 if:

1 a. The person or group engaged in the public
2 communication activity violates this section 15
3 or any applicable federal, state or local law;
4 or

5 b. The activity has attracted a crowd of sufficient
6 size so as to begin to adversely affect the
7 safety, security or rights of others, the free
8 flow of pedestrians, or the normal operational
9 requirements of the facility.

10 Once a Letter has been revoked, an individual or group
11 shall not continue their activity until another Letter has been
12 obtained. If the Letter has been revoked, any table or sound
13 amplification equipment involved in the terminated activity
14 must be removed immediately, together with all related
15 materials, by the individual(s) involved. No table, equipment
16 or other materials may be left behind unattended or stored on
17 the premises.

18 F. TABLE ENDORSEMENT: TUNNEL PLAZA AND MEZZANINE LEVELS
19 ONLY

20 1. Persons requesting a Letter of Authorization to
21 engage in public communication activities in a tunnel plaza or
22 mezzanine area may, at their option, indicate a desire to
23 provide a table to store, display, and distribute materials in
24 conjunction with their activity. If the maximum number of
25 tables allowed per station area has not already been committed
26 for the desired date, a Table Endorsement will be indicated on
27 the Letter.

28 2. The maximum number of tables permitted per station
29 location will be equal to one-half the collective maximum
30 number of persons allowed to be simultaneously engaged in
31 public communication activities for that location, i.e., four
32 (4) tables per station. At University Street and Pioneer
33 Square stations, however, only two (2) tables will be allowed
34 per split mezzanine.

1 3. Tables may be used in accordance with the
2 following conditions:

3 a. The table shall not exceed four (4) feet in
4 width by eight (8) feet in length.

5 b. A maximum of three (3) chairs will be permitted
6 at each table.

7 c. The table/chairs must be supplied by the Letter
8 holder, and must be removed prior to the close of a station for
9 the day, or the time period for which the Letter of
10 Authorization is valid, whichever is earliest. A table must be
11 attended at all times unless the Letter holder is physically
12 present within the area and can maintain sight of the table at
13 all times.

14 d. Tables may not be located within 15 feet of any
15 stairway, escalator, elevator, fire safety system component,
16 telephone, customer service counter, information board, ticket
17 or news vending machine, entrance, exit, or authorized
18 commercial activity within a designated area. Additionally,
19 tables may not block normal pedestrian paths to or from the
20 areas noted above.

21 e. Members of the same group or organization may
22 simultaneously operate a second table at a given station after
23 12:00 noon on a given day, provided the maximum number of
24 tables and/or persons engaged in public communication
25 activities for a stated time period and location is not
26 exceeded. A separate Letter of Authorization, with a "Table
27 Endorsement" must be requested and issued for a second table.

28 f. Materials must be stored on top of or beneath
29 each table. Under no circumstances may the table, chair,
30 stored articles or person(s) staffing the table obstruct the
31 free flow of persons moving within or through a station.

32 g. Signs, leaflets or other materials may be
33 affixed to the table. No signs, leaflets or other materials
34 may be posted to or erected within station facilities unless
35 space has otherwise been provided for such use.

1 h. The county shall not be responsible for any
2 table, chair(s), or any materials around, under or upon the
3 table.

4 G. SOUND AMPLIFICATION ENDORSEMENT: TUNNEL PLAZA AND
5 MEZZANINE LEVEL ONLY

6 1. When the use of a loudspeaker system or other
7 sound amplifying device is desired in conjunction with a public
8 communication activity in a tunnel plaza or mezzanine area, a
9 written request must be received by the department at least
10 fourteen (14) days in advance of the date of intended use. The
11 request should state the type and amplification power of the
12 system/device proposed for use. The department will review the
13 request and grant, grant with restrictions or deny the request.
14 Only one sound amplification endorsement will be issued for a
15 given location, time period and day. Exceeding the maximum
16 permitted sound level under local or state law is prohibited
17 and shall be grounds for revocation of a Letter of
18 Authorization.

19 2. If approved by the department, a Sound
20 Amplification Endorsement will be indicated on a Letter of
21 Authorization sent to the applicant, along with any special
22 requirements or restrictions associated with the equipment's
23 use. The Letter must be kept on-site when the equipment is in
24 use. If the "sound amplification" request cannot be approved,
25 but a Letter of Authorization for other purposes is still
26 appropriate, the latter may be issued, accompanied by an
27 explanation for why the original request could not be
28 accommodated.

29 NEW SECTION. SECTION 16. There is hereby added to
30 K.C.C. Title 28 the following new section:

31 REGULATION OF COMMERCIAL ACTIVITIES ON TRANSIT PROPERTY.
32 As part of its proprietary function as the provider of public
33 transportation, the county seeks to generate revenue from the
34 commercial use of transit vehicles, the tunnel and other
35 passenger facilities to the extent such commercial activity is

1 consistent with the security, safety, comfort and convenience
2 of its passengers. Accordingly, all commercial activity is
3 prohibited on transit property except as may be permitted by
4 the county in a written permit, concession contract, license
5 agreement, advertising agreement or other written agreement.
6 Provided, however, posting of commercial literature in
7 accordance with department regulations is permitted on kiosks
8 or bulletin boards installed by the department for use by
9 passengers and the general public for such purpose.

10 NEW SECTION. SECTION 17. There is hereby added to
11 K.C.C. Title 28 the following new section:

12 REGULATION OF SPECIAL EVENTS ON TUNNEL PROPERTY.

13 A. Subject to the terms of this section 17 and
14 compliance with all applicable regulations and approvals
15 required under state and local law, the department, at its sole
16 discretion, may permit other organizations to use tunnel
17 facilities for receptions, running events and similar special
18 events.

19 B. At a minimum, the department shall consider the
20 following in determining whether or not to permit a special
21 event at a tunnel facility.

- 22 1. Safety or security risks;
- 23 2. Impediments to the free flow of transportation
24 system users and other pedestrians during regular
25 operating hours under normal or potential emergency
26 conditions;
- 27 3. Interference with tunnel operations and maintenance
28 activities, including scheduled construction,
29 testing, training, and routine operations and
30 maintenance;
- 31 4. Interference with approved commercial activities;
- 32 5. Availability of adequate space and necessary
33 utilities to accommodate the event;
- 34 6. Need for additional maintenance and security caused
35 by the event; and

1 7. Ability of event sponsor to reimburse the
2 department for any additional expenses incurred as
3 a result of permitting the special event.

4 C. The department may, at its sole discretion, preclude
5 entirely, specify a location or on a monthly, quarterly, or
6 annual basis, establish a maximum number of special events that
7 may be accommodated at a given station, or throughout the
8 tunnel system, considering such physical, operational and
9 safety-related constraints as the following:

- 10 1. Sufficient space must remain available to
11 accommodate normal use of tunnel services.
- 12 2. The absence of overhead sprinkler systems in some
13 stations may preclude all or certain types of
14 special events at those locations.
- 15 3. No special events will be permitted on platform
16 levels of any station during revenue service
17 periods.
- 18 4. Routine, one-time, or emergency circumstances
19 associated with system maintenance, training, or
20 operations may at times preclude the scheduling of,
21 or result in the cancellation of, a special event.

22 D. Application for permission to use a tunnel facility
23 for a special event shall be submitted, along with a detailed
24 event plan, to the department at least forty-five (45) days in
25 advance of the desired event date. The event sponsor shall be
26 responsible for obtaining any permits required by external
27 agencies (e.g., Seattle Fire, Engineering, or Health
28 departments, etc.) prior to the department granting permission
29 to use the tunnel facility.

30 E. Applicants whose special event has been approved
31 will be required to enter into a written agreement with the
32 county which may include the following terms and conditions as
33 deemed necessary and appropriate by the department:

- 34 1. User fee, rental rate or combination thereof;

- 1 2. Limitation to only activities which have been
- 2 specifically described in the approved event plan;
- 3 3. Payment of a deposit or bond (if determined
- 4 appropriate);
- 5 4. Proof of insurance of the type and in the amount
- 6 specified by the county;
- 7 5. Indemnity and defense of the county in any claim
- 8 arising as a direct or indirect result of the
- 9 activity;
- 10 6. Cost-recovery provision ensuring reimbursement for
- 11 any physical damages to county property or other
- 12 costs incurred by the county as a result of the
- 13 event (i.e., increased maintenance, security, etc.,
- 14 not covered by a basic user fee or rental rate);
- 15 7. Provision for termination of the agreement by the
- 16 county due to non-compliance with the terms of the
- 17 agreement or unreasonable or unanticipated conflict
- 18 with normal operation and maintenance of the
- 19 tunnel;
- 20 8. Conditions specific to the event including but not
- 21 limited to, such conditions as the date, time and
- 22 specific location of the event and any requirements
- 23 for utilities, safety devices, security and clean-
- 24 up.

25 NEW SECTION. SECTION 18. There is hereby added to
 26 K.C.C. Title 28 the following new section:

27 ENFORCEMENT.

28 A. GENERAL. In addition to any other remedies and
 29 sanctions available under applicable civil and criminal
 30 federal, state and local law, a person violating the rules and
 31 provisions of sections 14 through 17 of this ordinance shall be
 32 subject to the following:

- 33 1. Immediate expulsion from transit properties;
- 34 2. Suspension of the privilege of entering upon and
- 35 using the transit system and properties;

1 3. Civil penalties if the violation constitutes an
2 infraction; and

3 4. Criminal penalties if the violation constitutes a
4 misdemeanor.

5 The classification of a violation as either an
6 infraction or a misdemeanor under section 14 of this ordinance
7 shall not limit or preclude any action or prosecution from
8 being undertaken pursuant to another applicable local, state or
9 federal law.

10 B. IMMEDIATE EXPULSION. Any person violating a rule or
11 provision of sections 14 through 17 of this ordinance or any
12 federal, state or local law may be ordered to leave transit
13 property by a commissioned peace officer, department personnel
14 as authorized by the director or authorized personnel of a
15 contracted service provider in accordance with the terms of the
16 applicable service contract. Failure to immediately comply
17 with such an expulsion order shall be grounds for prosecution
18 for criminal trespass.

19 C. SUSPENSION OF USE PRIVILEGES. Violation of a rule
20 or provision of sections 14 through 17 of this ordinance or any
21 federal, state or local law shall be cause for suspension of a
22 person's privileges to enter upon transit property and use the
23 transit system. Such a suspension may be ordered by department
24 personnel authorized by the director or by the authorized
25 personnel of a contracted service provider in accordance with
26 the terms of the applicable service contract. Notice of such
27 suspension shall be in writing and shall inform the person
28 suspended of the cause, the period of the suspension, and that
29 failure to comply shall be grounds for criminal prosecution.
30 Service of the suspension notice may be accomplished by
31 personal delivery or by mailing a copy, addressed to the
32 person's last known address, by certified U.S. mail. Unless
33 otherwise specified on the notice, the suspension shall take
34 effect immediately upon actual or constructive receipt of the
35 notice by the person being excluded. A person may not defeat

1 the effectiveness of a suspension by refusing to accept the
2 notice. Receipt of the notice is construed to have been
3 accomplished if the person knew or reasonably should have known
4 from the circumstances that his/her privileges to enter upon
5 transit property and use the transit system have been
6 suspended. Receipt of the notice is also construed to have
7 been accomplished two (2) days after a suspension notice is
8 placed in the U.S. mail. Failure to immediately comply with
9 such a suspension order shall be grounds for prosecution for
10 criminal trespass.

11 A person whose use privileges have been suspended may
12 submit a written request for a review of the suspension, which
13 request must be received by the director within ten (10)
14 calendar days after the effective date of the suspension. Upon
15 receiving a timely request, the director shall designate a
16 person to review the suspension. The suspended person may
17 orally present his/her reasons why the suspension should not be
18 served, by phone or in person at a time and location mutually
19 agreed upon with the reviewer. Within ten (10) calendar days
20 after the suspended person presents his/her reasons, the
21 reviewer shall make a decision affirming, modifying or
22 terminating the suspension. The reviewer's decision shall be
23 final.

24 D. INFRACTIONS. A person who is guilty of committing
25 an infraction under section 14(A) of this ordinance shall be
26 subject to a monetary penalty of not more than five hundred
27 dollars (\$500.00) plus statutory assessments. Any person cited
28 for a civil infraction shall be subject to the applicable Rules
29 for Courts of Limited Jurisdiction and penalty schedules.

30 E. MISDEMEANORS. A person who is guilty of committing
31 a misdemeanor under section 14(B) shall be subject to a fine of
32 not more than one thousand dollars (\$1,000) and by imprisonment
33 in the county jail for not more than ninety (90) days, or both.

34 NEW SECTION. SECTION 19. There is hereby added to
35 K.C.C. Title 28 the following new section:

1 LIMITATION OF OBLIGATIONS.

2 Nothing in the rules or requirements set forth in sections
3 14 through 18 of this ordinance shall create a duty to any
4 person on the part of the county or form any basis for
5 liability on the part of the county, the members of its
6 council, its agents or employees. The obligation to comply
7 with said sections is solely that of any persons entering upon
8 transit property and the county's enforcement of said sections
9 is discretionary, not mandatory.

10 SECTION 20. Ordinance 11431, Section 5 and
11 K.C.C. 28.94.050 are each hereby amended to read as follows:

12 Paratransit Service Plan for Elderly and People with
13 Disabilities.

14 A. The Paratransit Service Plan (plan) as adopted by
15 the Metropolitan Council of the Municipality of Metropolitan
16 Seattle by Resolution No. 6250, and as updated by Resolution
17 No. 6697 is hereby re-adopted and ratified and incorporated
18 herein by reference as part of the public transit function.
19 Under the plan, paratransit services shall be provided to:

20 1. Eligible persons who are unable to use the
21 mainline bus system due to a disability; and

22 2. Eligible low income senior citizens and persons
23 with disabilities.

24 B. Paratransit services under the plan shall be
25 provided by private carriers and/or private agencies. In
26 accordance with the procurement and contracting requirements
27 applicable to the department, the executive or the director, if
28 designated by the executive, is hereby authorized to enter into
29 contracts and agreements with such private carriers and private
30 agencies to provide paratransit services within appropriations
31 authorized by the council.

32 C. Individuals will be eligible for the paratransit
33 services if a person:

34 1. Meets the ADA Paratransit Eligibility Criteria set
35 forth in 49 CFR part 37; or

1 2. Is at least 65 years of age, or disabled, and
2 their income is at or below seventy percent (70%) of the median
3 income for the State of Washington, as determined from
4 time-to-time by the Community Services Division of the
5 Washington State Department of Social and Health Services.

6 D. The director is authorized to implement appropriate
7 procedures in accordance with 49 CFR part 37 for the
8 certification of eligibility for paratransit services and for
9 the suspension of paratransit service to eligible individuals
10 with a documented pattern or practice of missing scheduled
11 trips. Suspensions under this paragraph shall not be processed
12 according to the procedures set forth in section 19 of this
13 ordinance for suspensions related to violation of rules of
14 conduct on transit property.

15 E. The fare for paratransit services shall be the one
16 zone, off-peak fare set forth in Section 28.90.010. Monthly
17 and annual passes for paratransit services shall be available
18 at the same rates as the one zone, off-peak monthly and annual
19 passes set forth in Section 4 of this ordinance.

20 F. The director is hereby authorized and directed to
21 prepare and submit the plan, and updates thereto, to the U.S.
22 Department of Transportation's Federal Transit Administration,
23 as required by federal regulations.

24 G. The director is also authorized and directed to take
25 necessary and reasonable actions to carry out the policies set
26 forth in this section and, in consultation with other local
27 agencies, to cause paratransit services to be monitored and
28 report thereon from time-to-time to the council.

29 H. When subscription trip demand reaches the fifty
30 percent (50%) limit established in 49 CFR part 37, priority for
31 subscription trips shall be given to riders who meet the ADA
32 eligibility criteria references in this section and federal
33 regulations.

34 I. The director shall encourage social service agencies
35 to purchase transportation services directly from the county's

1 paratransit services broker in order to maximize the use of
2 public funds and provide comprehensive transportation services
3 to eligible riders.

4 J. The director is authorized to enter into agreements
5 with other transit agencies to establish fares and procedures
6 for allocating paratransit trips to ADA-eligible passengers
7 seeking to transfer between transportation systems or crossing
8 jurisdictional boundaries.

9 SECTION 21. SEVERABILITY. If any provision of this ordinance
10 or its application to any person or circumstances is held
11 invalid, the remainder of the ordinance or the application of
12 the provision to other persons or circumstances is not
13 affected.

14 INTRODUCED AND READ for the first time this 1st day
15 of May, 1995.

16 PASSED this 5th day of September, 1995.

17 KING COUNTY COUNCIL
18 KING COUNTY, WASHINGTON

19 Passed by a vote of 11-0.)
20

Kent Pullen
Chair

21 ATTEST:

22 Gerald A. Potam
23 Clerk of the Council

24 APPROVED this 15th day of September,
25 1995.

26 Greg Loebe
27 King County Executive