



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**March 9, 2010**

**Ordinance 16770**

**Proposed No. 2010-0050.2**

**Sponsors Phillips, Hague, Ferguson,  
Patterson, Lambert, von Reichbauer, Dunn  
and Drago**

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

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

16 D. On June 22, 2009, the council approved Motion 13014, directing the transit  
17 division to report on revenue-generating entrepreneurial activities that could be used to  
18 address the transit division's long-term funding needs. In its response, the transit division

19 identified third-party use of park and rides as a potential new revenue source for the  
20 public transportation fund.

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

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

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

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

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

35 A. ~~((Infractions.))~~ The following actions are prohibited in, on or in relation to, all  
36 transit properties. For conduct not amounting to a violation of another applicable state or  
37 local law bearing a greater penalty or criminal sanction than is provided under this  
38 section, a person who commits one of the following acts in, on or in relation to transit  
39 property is guilty of a civil infraction to which chapter 7.80 RCW applies.

- 40           1. Allowing any animal to occupy a seat on transit property, to run at large  
41 without a leash, to unreasonably disturb others((;)) or to obstruct the flow of passenger or  
42 bus traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;
- 43           2. Allowing his or her animal to leave waste on transit property;
- 44           3. Rollerskating, rollerblading or skateboarding;
- 45           4. Riding a bicycle, motorcycle or other vehicle except for the purpose of  
46 entering or leaving passenger facilities on roadways designed for that use. In tunnel  
47 facilities, bicycles must be walked at all times and may not be transported on escalators.  
48 However, nothing in this section shall be construed to apply to commissioned peace  
49 officers or county employees engaged in authorized activities in the course of their  
50 employment;
- 51           5. Eating or drinking. However, eating and drinking nonalcoholic beverages are  
52 permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior  
53 areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a  
54 container designed to prevent spillage is permitted on transit property;
- 55           6. Bringing onto a transit passenger vehicle any package or other object  
56 ((which)) that blocks an aisle or stairway or occupies a seat if to do so would, in the  
57 operator's sole discretion, cause a danger to passengers or displace passengers or  
58 expected passengers;
- 59           7. Operating, stopping, standing or parking a vehicle in any roadway or location  
60 restricted for use only by transit vehicles or otherwise restricted;
- 61           8. Engaging in public communication activities or commercial activities except  
62 as authorized under K.C.C. 28.96.020 through 28.96.210((-);

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

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

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

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

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

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

77           15. Parking a vehicle in an approved parking area on transit property for more  
78 than seventy-two consecutive hours;

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

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

84           18. Conducting driver training on transit property.

85           B. (~~Misdemeanors~~) The following actions are prohibited in, on or in relation  
86 to all transit properties. For conduct not amounting to a violation of another applicable  
87 state or local criminal law bearing a greater penalty than is provided under this chapter, a  
88 person who commits one of the following acts in, on or in relation to, transit property is  
89 guilty of a misdemeanor.

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

92           2. Discarding litter other than in designated receptacles;

93           3. Playing a radio, tape recorder, audible game device or any other sound-  
94 producing equipment, except when the equipment is connected to earphones that limit the  
95 sound to the individual listener. However, the use of communication devices by county  
96 employees, county contractors or public safety officers in the line of duty is permitted, as  
97 is the use of private communication devices used to summon, notify or communicate with  
98 other individuals (~~(s)~~), such as (~~("beepers")~~) pagers or portable telephones(~~(s)~~);

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

100           5. Carrying flammable liquids, flammable or nonflammable explosives, acid or  
101 any other article or material of a type or in a manner that is likely to cause harm to others.  
102 However, cigarette, cigar or pipe lighters, firearms, weapons(~~(s)~~) and ammunition may be  
103 carried if in a form or manner that is not otherwise prohibited by law or ordinance;

104           6. Intentionally obstructing or impeding the flow of transit vehicle or passenger  
105 movement, hindering or preventing access to transit property, causing unreasonable  
106 delays in boarding or deboarding, reclining or occupying more than one seat, or in any  
107 way interfering with the provision or use of transit services;

- 108           7. Unreasonably disturbing others by engaging in loud, raucous, unruly,  
109 harmful, abusive or harassing behavior;
- 110           8. Defacing, destroying or otherwise vandalizing transit property or any signs,  
111 notices or advertisements on transit property;
- 112           9. Drinking an alcoholic beverage or possessing an open container of an  
113 alcoholic beverage. However, possessing and drinking an alcoholic beverage is not  
114 prohibited in the tunnel facilities if authorized as part of a scheduled special event for  
115 which all required permits have been obtained and when said facilities are not in use for  
116 transit purposes;
- 117           10. Entering nonpublic areas, including but not limited to tunnel staging areas  
118 and equipment rooms, except when authorized by the director or when instructed to by  
119 county or public safety personnel;
- 120           11. Dumping any materials whatsoever on transit property, including but not  
121 limited to chemicals and automotive fluids;
- 122           12. Throwing an object at transit property or at any person in transit property;
- 123           13. Failing to present a valid, unexpired pass, transfer or ticket or otherwise  
124 failing to pay the appropriate fare as required under county ordinance;
- 125           14. Possessing an unissued transfer or tendering an unissued transfer as proof of  
126 fare payment;
- 127           15. Falsely representing oneself as eligible for a special or reduced fare or  
128 obtaining any permit or pass related to the transit system by making a false  
129 representation;

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

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

137           18. Engaging in gambling or any game of chance for the winning of money or  
138 anything of value; and

139           19. Discharging a laser-emitting device on a transit vehicle, directing such a  
140 device from a transit vehicle toward any other moving vehicle or directing such a device  
141 toward any transit operator or passenger.

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

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

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

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

155           2. Maintaining safe, clean and secure transit properties to retain existing, and  
156 attract new users of public transit services;

157           3. Reducing litter pick-up and other maintenance or other administrative  
158 expenses so as to maximize the provision of public transit services;

159           4. Preventing delays and inconvenience to passengers by minimizing  
160 congestion, and expediting their boarding, transferring((;)) and deboarding of transit  
161 vehicles; and

162           5. Securing scarce space at the tunnel and other passenger facilities for potential  
163 commercial activities intended to produce revenues for the system and attract riders with  
164 convenience services and goods.

165           It is the purpose of this chapter to describe the varying degrees to which  
166 passengers and the public are allowed to engage in public communication activities on  
167 the three categories of transit property identified in ((Sections)) K.C.C. 28.96.030,  
168 28.96.040 and 28.96.050. This chapter does not apply to county activities or to county  
169 employees engaged in authorized activities in the course of their employment.

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



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

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

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

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

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

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

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

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

198 administering the agreement; and

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

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

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

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

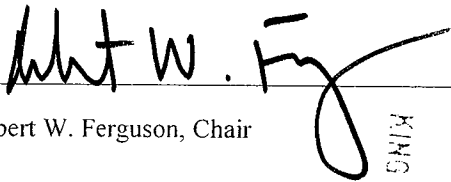
213           F. The transit division shall provide an annual report to the council on the  
214 agreements in place, revenues generated and comments from users of the facilities where  
215 agreements are in place. The report must be filed in the form of a paper original and an  
216 electronic copy with the

217 clerk of the council, who shall retain the original and provide an electronic copy to all  
218 councilmembers.

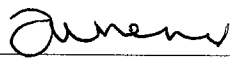
Ordinance 16770 was introduced on 1/14/2010 and passed by the Metropolitan King County Council on 3/8/2010, by the following vote:

Yes: 9 - Ms. Drago, Mr. Phillips, Mr. von Reichbauer, Mr. Gossett,  
Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

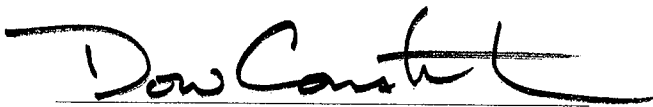
  
Robert W. Ferguson, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

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KING COUNTY COUNCIL

APPROVED this 17<sup>th</sup> day of March, 2010.

  
Dow Constantine, County Executive

Attachments: None