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Title: Pricing, Enforcement, and Requirements for Renewal of HOV and SOV Parking Permits

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Sponsoring Agency: King County Metro Transit Department

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Type of Action: New

I. Purpose

To implement the provisions of King County Code Section 4A.700.650 regarding establishment of user fees for Metro transit Park & Ride facilities, to implement the provisions of King County Code Section 28.96.010 regarding enforcement of permit parking restrictions on Metro Transit property, to provide a process to appeal permit parking violations and review Vanpool warnings, and to provide a process to review non-renewal of parking permits.

Applicability and Audience: Metro transit department; Park & Ride lot users; Metro transit permit holders; contracted Park & Ride lot management firms; towing operators

II. Definitions

"Business days" means every day of the week except Saturday and Sunday and except for days on which fall the official holidays observed by the State of Washington.

"High Occupancy Vehicle," "HOV" or "carpool" means a vehicle with two or more individuals parking at a Park & Ride where the individuals continue their journey on public transportation.

"Park & Ride" means locations at which persons park their individual vehicles and transfer to a county vehicle or car/vanpool vehicles, including all improvements and landscaping (K.C.C. 28.92.110).

“Parking Enforcement Staff” means the individuals authorized to enforce Metro parking rules under K.C.C. 28.96.010.A, including but not limited to King County employees, employees of Republic Parking Northwest, or employees of such other firm as Metro Transit may contract with from time to time to manage certain aspects of its Park & Ride facilities.

“Permit group” means all people associated with a HOV permit.

“Permit holder” or “Permittee” means a person holding a physical permit or virtual permit associated with a vehicle license plate number to park in Park & Ride facility stalls reserved for SOVs or HOVs.

“Single Occupancy Vehicle” or “SOV” means a vehicle with a single occupant (the driver) parking at a Park & Ride where the individual continue their journey on public transportation (bus transit, carpool, or vanpool).

“Vanpool” means a prearranged group of at least five individuals who share their commute in a public agency-sponsored van.

III. Policy

A. Setting and Adjusting Permit Fees; Waiting Lists

1. Setting and Adjusting Permit Fees. SOV permit fees will be established on a per lot basis depending on factors including local market prices for paid parking, parking utilization, location along transit corridor, availability of frequent transit service, and coordination with other public transit service providers that own and operate park and rides. Metro will sell parking permits to ORCA Lift eligible customers at a reduced rate. HOV parking permits will be provided free of charge.

2. Metro SOV Parking Permit Fees

Park and Ride Facility	SOV Monthly Permit Fee	ORCA Lift Monthly Permit Fee
Northgate Transit Center	\$120	\$20
Aurora Village Transit Center	\$90	\$20
Bear Creek Park & Ride	\$90	\$20
Bothell Park & Ride	\$90	\$20
Kenmore Park & Ride	\$90	\$20
Redmond Park & Ride	\$90	\$20
South Kirkland Park & Ride	\$90	\$20
Tukwila Park & Ride	\$90	\$20
Issaquah Highlands Park & Ride	\$60	\$20
Shoreline Park & Ride	\$60	\$20

3. Waiting Lists. Permits will be sold on a first come first serve basis, subject to rules in this section. Where demand is higher than the number of permits available, the vendor tasked with administering the program will maintain a waiting list of customers seeking permits at each lot. Waiting lists will be kept with applicants’ names listed in chronological order based on when they submitted their permit application. If a permit becomes available, the applicants

will be notified of the opportunity to purchase a permit in the order in which they are on the waitlist, except as noted below:

a. ORCA LIFT Customers: During the first thirty days of permit sales, 10% of permits at each lot will be reserved for ORCA LIFT customers and customers who meet the eligibility requirements for the ORCA LIFT program to provide adequate time verify their eligibility for ORCA LIFT. After the first month, and in the case of a waiting list at a lot, priority will be given to verified ORCA LIFT eligible customers for any permits that become available until the 10% ORCA LIFT target has been met.
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b. HOV and SOV Customers: For each lot, after the 10% ORCA LIFT target is met, or if there are no ORCA LIFT customers on the waiting list, priority will be given to HOV parking permit applicants on the waiting list. If there are no HOV parking permit applicants on the waiting list, then the permits will be sold to remaining SOV permit customers on the waiting list.

B. Enforcement of Permit Parking Restrictions at Metro Park & Ride Facilities; Appeals Review Process; Towing and Impoundment of Vehicles Improperly Parked in Permit Areas

1. Regulatory Framework. King County Code Section 2.16.038 specifies that the Metro transit department is responsible to manage and maintain Metro transit facilities. King County Code Section 4A.700.650 grants Metro transit the authority to establish user fees for public use of vehicle parking stalls at park and ride lots and garages located on property owned, managed or leased by the Metro transit department. King County Code Chapter 28.96.010.A.7 specifies that operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use only by transit vehicles or otherwise restricted is a civil infraction punishable by fine under RCW 7.80, unless a greater penalty or criminal sanction applies. King County Code Chapter 28.96.010.A.20 specifies that using transit property, including, but not limited to, park and ride lots or garages, without paying a fee or obtaining a permit if a fee or permit is required for the such of such property, is a civil infraction punishable by fine under RCW 7.80, unless a greater penalty or criminal sanction applies. In RCW 46.55.010(14)(a)(iii), state law provides that vehicles left unattended in a publicly-owned or -controlled parking facility in violation of restrictions properly posted under RCW 46.55.070 may be towed immediately.

2. Citation or Towing of Vehicles Improperly Parked in Restricted Areas. In furtherance of its responsibility to manage customer facilities, Metro Transit has established restricted parking areas in its Park & Ride facilities, including but not limited to parking stalls reserved for Metro service vehicles, for disabled parking, for electric vehicles, and for permit parking. Parking rules are posted at each Park & Ride facility entrance and restricted stalls are clearly marked with signage, paint markings, or by other means. Parking in a restricted Park & Ride stall without a proper permit or other authorization is a violation of K.C.C. 28.96.010.A and is punishable by fine as a civil infraction under RCW Chapter 7.08 or by towing under RCW Chapter 46.55.

3. Enforcement of Permit Parking Restrictions—Citations and Fines Before Towing. The following rules will guide enforcement of posted permit parking restrictions at Metro Park & Ride facilities.

a. If a vehicle is parked in a designated permit area during the restricted time period (1) without a valid physical permit or virtual permit associated with the vehicle's license plate, or (2) with an improperly displayed physical permit, or (3) with an invalid physical permit displayed, or (4) not properly parked within the marked parking stall, or (5) where fewer than two people are observed by Parking Enforcement staff to have exited a car registered with a HOV permit, then that vehicle will initially receive a citation and fine that will be placed on the vehicle windshield. Three citations for any type of violation will result in towing and impound of the vehicle on a fourth instance of unauthorized parking in a permit parking area.

b. A current, valid physical permit should be displayed either (1) by hanging it right-side up on the interior rear-view mirror with the front of the permit facing out the windshield, or (2) by laying the permit face up on the driver's side dashboard with the bottom edge of the permit angled towards the driver's side front wheel. For cars permitted through a virtual permit, the vehicle license plate associated with the permit must be visible and legible from the outside of the vehicle.

c. Examples of improperly-displayed physical permits include, but are not limited to: Leaving it on a dashboard face down; hanging it from the mirror but covering it with something else; leaving it on a seat; or displaying it in such a way that Parking Enforcement Staff cannot verify its validity from outside of the car.

d. Examples of displaying an invalid permit include, but are not limited to: Displaying an expired permit; displaying a permit that is valid for parking at a facility other than the one in which the vehicle is located; or displaying a VAN permit (valid for transit agency issued VanShare or TripPool vehicles only) in a private vehicle.

e. Any given vehicle may receive no more than three citations for improperly parking in a restricted stall. The third citation will include notification that the next violation may result in a towing and impound. A fourth incident may result in towing and impound.

f. Parking Enforcement Staff will be equipped with handheld devices that allow for up to 4 photos per citation issued, and allow for a customized citation printout that includes a photo of the vehicle's license plate and specifies the nature of the infraction that led to the warning, applicable late fees, and information about the process to appeal the citation, including contact information. The equipment utilized may change over time as technology advances and enforcement needs evolve.

g. Parking violation fines may not exceed \$20. Fines not paid by the deadline identified on the citation are subject to a late fee not to exceed \$25. Per King County Code section 4A.700.650, Metro is authorized to

use a collections process to recoup fines and fees reaching or exceeding \$300.

4. Appeals of Citations. If a vehicle owner wishes to contest a citation, then the owner shall follow the appeal process set forth in K.C.C. 23.20. This rule does not provide a different or additional process to appeal or contest a citation.

5. Towing Vehicles from Permit Areas and Other Areas; Contesting Tows Under State Law. Vehicles that have received three citations for improper parking in a permit parking area may be towed upon a fourth instance of unauthorized parking in a permit parking area. Vehicles improperly parked in other Park & Ride facility areas in violation of posted Park & Ride facility rules may be towed immediately without any citation as provided under RCW chapter 46.55. The following procedure will apply:

a. Before towing and impound, Parking Enforcement Staff will contact the Metro Service Quality supervisor designated for that facility to notify Metro of the incident and the intention to tow.

b. If the Metro Service Quality supervisor authorizes the tow request, then Parking Enforcement Staff will request the vehicle be towed consistent with state law in RCW 46.55. Parking Enforcement Staff will utilize the tow vendor identified on the signage posted at the entrance to the Park & Ride facility where the offending vehicle is parked.

c. If the vehicle owner contests the tow, the vehicle owner should follow the appeal process set forth in state law at RCW 46.55 and file for a tow court hearing at district or municipal court as provided by law. This rule does not provide a different or additional process to appeal or contest a vehicle tow or impoundment.

d. If the court rules the tow was improper then under state law at RCW 46.55 the Parking Enforcement Staff that authorized the tow (typically, a contracted parking management firm; potentially King County Metro Transit) will be responsible to pay the cost of the towing fees and such other costs as are provided by law. This rule does not provide a different or additional remedy for an improper vehicle tow or impoundment other than those available under RCW chapter 46.55.

C. Requirements for Renewal of Parking Permits; Parking Permit Termination Review Process

1. Renewals of Permits.

a. Transit Use: Permits are renewed by Parking Enforcement Staff on a monthly basis. A permit will be renewed if the SOV permit holder or if every member of the permit group is documented to have used the form of public transportation (bus transit, carpool, or vanpool) associated with the permit an average of 3 days per week, measured on a monthly interval as 12+ days in the preceding month, and maintains a registered and paid vanpool account, if applicable. The transit use is checked during the morning enforcement hours. If a SOV permit holder or permit group fails to meet these requirements, then Parking Enforcement Staff will notify the permit holder or permit group via

email that their monthly permit will be terminated. If a permit holder or member(s) of a permit group wishes to challenge this decision he or she may do so in writing via email or mail. The permit will not be renewed and parking privileges will not be available to permit holder or permit group unless and until the challenge is granted. A permit holder or permit group whose permit has been terminated and not renewed may always submit a request for a new permit. This rule does not address the initial issuance of new permits.

b. **Payment:** SOV permits will be issued on a monthly basis to customers after payment is received by the vendor administering the program on behalf of Metro. All active accounts must be paid by the deadline set by the vendor. The vendor will provide one reminder by email if payment is not received by the established deadline. If payment is not received by the final deadline the vendor may close the account. Closed accounts may reapply for the permit program to be considered for reinstatement. For lots where there is a waiting list, permit holders will be provided with one instance where their permit will be held for up to four weeks during which time the permit holder can pay for their permit plus a \$25 late fee and reactivate their account. Parking privileges will not be available to permit holders until the permit and late fee has been paid. Deadlines for payment will be established by the vendor as needed to allow a reasonable amount of time for processing, permit issuance, and related administrative tasks. The vendor shall communicate the deadlines on their webpage and notify permit holders in writing by mail or email at least one month in advance of any changes.

2. Review of Permit Termination. This section outlines the reasons and procedures to renew a terminated permit. A terminated permit will not be renewed for any reason other than those set forth in this Section III.C.2. A permit holder or permit group whose permit has been terminated and cannot be renewed may always apply for a new permit.

a. Absence. Permittees are allowed two months each calendar year in which one or more ORCA cards or carpool logs may fall below the required ridership threshold. If a permittee is challenging termination on the grounds that a SOV permit holder or one or more members of the permit group was absent due to vacation or medical reasons during the noncompliance period for which the permit was terminated, then the following process will apply:

I. The permittee(s) must email or mail the Parking Enforcement Staff a letter including names and ORCA numbers, VanPool ID, or RideshareOnline.com account names associated with the permit, and the dates of absence that resulted in insufficient ridership. The letter should be sent to the address identified in the letter or email by which the Parking Enforcement Staff initially notified the permit holder or permit group that their permit was terminated.

II. The Parking Enforcement Staff will create a record associated with the permit holder or permit group indicating that it has used one of the two allowable months in the calendar year when ridership can dip below required levels as a result of absence (each, an "Absence Exception").

III. The Parking Enforcement Staff will renew the permit up to two times per calendar year following an Absence Exception. If the permit holder or permit group has used both of the Absence Exceptions for a given calendar year then the permit will not be renewed.

b. New ORCA numbers. Permittees are allowed two instances per calendar year in which they dip below the required ridership threshold as a result of not updating the ORCA numbers associated with their permit to reflect newly-issued ORCA numbers. A permit group is entitled to two instances per year per group. If a permittee is challenging termination on the grounds that a SOV permit holder or one or more members of the permit group received a new ORCA number during the noncompliance period for which the permit was terminated, then the following process will apply:

I. The permittee(s) must email or mail the Parking Enforcement Staff a letter including names, the old ORCA numbers and any updated ORCA numbers associated with the permit. The letter should be sent to the address identified in the letter or email by which the Parking Enforcement Staff initially notified the permit holder or permit group that their permit was terminated.

II. The Parking Enforcement Staff will create a record associated with this permit holder or permit group indicating that it has used a month in the calendar year when ridership can dip below required levels as a result of failure to update ORCA information (the "ORCA Update Exception").

III. The Parking Enforcement Staff will renew the permit to two times per calendar year following an ORCA Update Exception. If the permit holder or permit group has used its two ORCA Update Exceptions for a given calendar year then the permit will not be renewed.

c. ORCA Equipment Failure or Data Error. King County recognizes that a broken ORCA tapper or other ORCA equipment failure could lead to under-reporting of ridership, or that an ORCA record might not properly reflect actual ridership or instances in which the ORCA card was used (each, an "ORCA System Failure"). Using the process outlined below, permittees may renew a terminated permit due to an ORCA System Failure. If a permittee is challenging termination on the grounds that there was an ORCA System Failure during the period when the permit was terminated, then the following process will apply:

I. The permittee(s) must email or mail the Parking Enforcement Staff a letter including name(s) and ORCA number(s) associated with the permit, and asserting that the SOV permit holder or all members of permit group did meet the ridership threshold. The letter should be sent to the address identified in the letter or email by which the Parking Enforcement Staff initially notified the permit holder or permit group that their permit was terminated.

II. If the Parking Enforcement Staff confirms the ORCA System Failure or failures, then the Parking Enforcement Staff will create a record associated with this permit and the Parking Enforcement Staff will renew the permit. If the Parking Enforcement Staff do not confirm the ORCA System Failure, then the Parking Enforcement Staff will not renew the permit.

III. If a permit holder or permit group experiences repeated problems with an ORCA card or permit number, the permit holder or a member of the permit group should contact Metro Transit Customer Service by calling (206) 553-3000, or in person at Metro's Customer Information Office located at 201 S. Jackson St., and refer the ORCA number for manual verification.

d. Failure to Properly Maintain Vanpool Account. Permittees are allowed one instance per calendar year in which they may renew a permit that was terminated for lack of a registered and paid vanpool account with a transit agency (each an "Vanpool Account Maintenance Failure"). A permit group is entitled to one instances per year per group. If a SOV permit holder or permit group is challenging termination on the grounds that an otherwise-valid permit was terminated due to a Vanpool Account Maintenance Failure, and that they are currently a registered and paid member in a vanpool, then the following process will apply:

I. Permittee(s) must email or mail Parking Enforcement Staff a letter including name, vanpool account name, and vanpool Group ID number associated with the permit, and asserting that the permit holder or member of a permit group is in good standing with a registered and paid vanpool account with the relevant transit agency. The letter should be sent to the address identified in the letter or email by which the Parking Enforcement Staff initially notified the permit holder or permit group that their permit was terminated.

II. If the Parking Enforcement Staff verifies that there is a valid, registered and paid vanpool account with the relevant transit agency, then the Parking Enforcement staff will create a record associated with the permit holder or permit group indicating that it has used its Vanpool Account Maintenance Failure exception for the calendar year, and renew the permit. If the Parking Enforcement Staff cannot verify that there is valid, registered and paid vanpool account with the relevant transit agency, or if the permit holder or permit group has used its Vanpool Account Maintenance Failure exception for the calendar year, then the Parking Enforcement Staff will not renew the permit.

III. If a permit holder or permit group experiences repeated difficulties with its vanpool account registration or payment status, then the permit holder or a member of the permit group should contact the relevant transit agency that sponsors the vanpool group.

D. Procedures Applicable to Transit Agency-operated Vans

1. Permits for qualifying transit agency-operated van groups ("Transit Agency Vans") will be issued directly from the Parking Enforcement Staff to the operator agency (i.e. King County Metro, Pierce Transit, etc.).
2. A Transit Agency Van may be issued a warning notice for parking (1) without a valid permit, or (2) with an improperly displayed permit, or (3) with an invalid permit displayed, or (4), not properly parked within the marked parking stall. The Parking Enforcement Staff will leave a copy of the warning notice on the vehicle. The warning document will include up to 4 photos documenting the nature of the infraction that led to the warning, and a photo of the vehicle's license plate. Within three business days of the date on the notice Parking Enforcement Staff will also send notification of the warning (with supporting information) to the operator agency and to Metro.
3. A van group participant can contest a warning by contacting the Parking Enforcement Staff by email or mail with any relevant information or documentation. If a warning notice is overturned then the Parking Enforcement Staff will update the vehicle parking record and notify the van group participant, the relevant transit agency, and Metro. If the warning notice is not overturned then the Parking Enforcement Staff will so notify the van group participant, the relevant transit agency, and Metro.
4. The Parking Enforcement Staff will not issue tow requests for Transit Agency Vans improperly parked in permit parking areas. Instead Metro will seek to resolve such violations and avoid further infractions through other action in cooperation with the relevant transit agency. However, Transit Agency Vans improperly parked in other Park & Ride areas in violation of posted Park & Ride facility rules (e.g. fire lane, drive lane, disabled parking stall, etc.) or otherwise in violation of K.C.C. 28.96.010.A may be towed consistent with that section and RCW chapter 46.55.
5. A warning notice issued by Parking Enforcement Staff under this section III.D is not a citation under RCW 7.80 and does not impose a fine or require payment of a fee. A warning notice merely documents an incident of improper parking in a permit stall.

IV. Implementation Plan

- A. This public rule is effective thirty days after filing with King County Archives, Records Management and Mail Services (ARMMS). The Metro transit department is responsible for the implementation of this rule.

V. Maintenance

- A. This rule will be maintained by the Metro transit department, or its successor agency.

VI. Consequences for Noncompliance

- A. Written citations, written warnings, towing, or revocation of parking permit as described in Section III above.

Appendices: None

