



King County

Signature:

Date signed:

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1-17-17

I. Purpose

To implement the provisions of King County Code Chapter 28.96.010 regarding enforcement of HOV parking restrictions on Metro Transit property, to provide a process to appeal notices of HOV parking violations, and to provide a process to appeal non-renewal of HOV parking permits

Applicability and Audience Department of Transportation Metro Transit Division; Park & Ride lot users; Metro Transit carpool or vanpool 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.

"Carpool" means two or more individuals making an arrangement to travel together in a single private vehicle

"Carpool permit holder" means a person holding a permit to park in Park & Ride facility stalls reserved for carpools.

"Parking Enforcement Staff" means the individuals authorized to enforce Metro parking rules under K.C.C. 28.96.010.A.7, 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.

"High Occupancy Vehicle" or "HOV" 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).

"Permittee" means a person holding a carpool permit or a vanpool permit.

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

"Vanpool permit holder" means a person holding a permit to park in Park & Ride facility stalls reserved for agency-sponsored vanpools.

III. Policy

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

1. Regulatory Framework. King County Code Section 2.16.140.C.1.e specifies that the Transit Division of the King County Department of Transportation is responsible to manage and maintain the transit system infrastructure, including customer facilities, and to manage rideshare operations functions including vanpool, carpool, and regional ride matching programs. 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. In RCW 46.55.010(14)(a)(iii), state law provides that vehicles left unattended in a publicly-owned or -controlled parking facility 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 HOV permit parking. 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.7 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 HOV Permit Parking Restrictions. The following rules will guide enforcement of posted HOV permit parking restrictions at Metro Park & Ride facilities.

- a. If a vehicle is parked in a designated HOV permit area during the restricted time period without an HOV permit, with an improperly displayed HOV permit, or with an invalid HOV permit displayed, then that vehicle will initially receive a written warning that will be placed on the vehicle. Multiple warnings will result in towing and impound of the vehicle.
- b. A current, valid HOV 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.
- c. Examples of improperly-displayed HOV 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 HOV permit include, but are not limited to: Displaying an expired permit; displaying a permit that is valid for HOV 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 two warnings for improperly parking in an HOV restricted stall. A third incident will result in towing and impound. Parking Enforcement Staff will initially be equipped with handheld devices that allow for up to 4 photos per warning issued, and allow for a customized warning printout that includes a photo of the vehicle's license plate and specifies the nature of the infraction that led to the warning. The equipment utilized may change over time as technology advances and enforcement needs evolve.
- f. Parking Enforcement Staff will place a warning notice on a vehicle's windshield. The notice will include a single photo showing the vehicle's license plate, a description of the infraction, and information about the process to appeal the warning, including contact information.
- g. A warning notice issued by Parking Enforcement Staff under this rule 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 an HOV permit stall.

4. Appeals by Owners of Vehicles Without a Valid HOV Permit. If a vehicle owner wishes to contest a warning but does not claim to have a valid permit, then the following process will apply:

- a. As stated on the warning notice, within two weeks of the date on the warning, the vehicle owner must contact Parking Enforcement Staff in writing to contest the warning.
- b. Parking Enforcement Staff will review the warning record, including any additional photos and any notes provided by the individual that issued the warning notice.
- c. If no error is found in issuance of the warning, Parking Enforcement Staff will notify the vehicle owner of the appeal denial, along with any additional photos or information included in the vehicle record.
- d. If an error is found in issuance of the warning, Parking Enforcement Staff will notify the vehicle owner that the warning is voided and will change the status of the warning in the vehicle record.

5. Appeals by Owners of Vehicles With A Valid But Improperly Displayed HOV Permit. HOV permit holders are allowed one instance per calendar year in which they may request and have a warning voided for failure to properly display an otherwise valid HOV permit. If the owner of a vehicle has a valid HOV permit but failed to display it properly or failed to display it at all and received a warning, the following process will apply:

- a. As stated on the warning notice, within one month of the date on the warning notice the vehicle owner must contact Parking Enforcement Staff via email or mail with the relevant HOV permit holder's name, the vehicle license plate number, and permit number.
- b. Parking Enforcement Staff confirm whether the permit is valid and relates to the vehicle that received the notice and the Park & Ride facility where the notice was issued.
- c. If the permit is valid, and no prior warning has been voided in that calendar year, then Parking Enforcement Staff will notify the vehicle owner that the warning has been voided and will change the status of the warning in the vehicle record. If Parking Enforcement Staff determine that the permit is not valid, or does not apply to the vehicle that received the warning, or is for another facility, or that one warning for that permit has already voided within the same calendar year, then Parking Enforcement Staff will notify the vehicle owner that the warning remains on the vehicle's parking record.

6. Towing Vehicles from HOV Permit Areas; Contesting Tows Under State Law. Vehicles that have received two warnings for improper parking in an HOV permit parking area may be towed upon a third instance of unauthorized parking in an HOV permit parking area. 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 Towing 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.

B. Requirements for Renewal of HOV Permits; Appeals Process

1. Renewals of HOV Permits. Carpool or vanpool permits are renewed by Parking Enforcement Staff on a monthly basis. A permit will be renewed if each member in the the group is documented to have used the form of transit (bus transit, carpool, or vanpool) associated with its permit an average of 3 days per week, measured on a monthly interval as 12+ days in the preceding month. The transit use is checked during the morning enforcement hours.. If a permitted carpool or vanpool fails to meet that threshold, then Parking Enforcement Staff will notify the group via email that their monthly permit will be terminated. If a member of the carpool wishes to appeal this decision he or she may do so in writing via email or mail. The permit will not be renewed and HOV parking privileges will not be available to the group unless and until the appeal is granted. A person or group whose HOV 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 HOV permits.

2. Appeal from HOV Permit Termination. This section outlines the reasons and procedures to renew a terminated HOV permit. A terminated HOV permit will not be renewed for any reason other than those set forth in this Section 6.8.

a. Vacation. 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 appealing on the grounds that one or more carpool members was on vacation 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 (vacation) 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 carpool permit group that their permit was terminated.
- II. The Parking Enforcement Staff will create a record associated with the carpool 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 vacation (each, a "Vacation Exception").

- III. The Parking Enforcement Staff will renew the permit up to two times per calendar year following a Vacation Exception. If the carpool permit group has used both of the Vacation Exceptions for a given calendar year then the permit will not be renewed.
- b. New ORCA numbers. Permittees are allowed one instance 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. If a permittee is appealing on the grounds that one or more members of the 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 carpool permit group that their permit was terminated.
 - II. The Parking Enforcement Staff will create a record associated with this carpool permit group indicating that it has used its 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 up to two times per calendar year following an ORCA Update Exception. If the carpool 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 carpool group 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 HOV permit due to an ORCA System Failure. If a permittee is appealing 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 names and ORCA numbers associated with the permit, and asserting that all carpool members 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 carpool 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 carpool permit group 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 carpool group experiences repeated problems with an ORCA card or permit number, the carpool 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"). If a permittee is appealing 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. The permittee(s) must email or mail Parking Enforcement Staff a letter including names, vanpool account name, and vanpool Group ID number associated with the permit, and asserting that all group members are 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 vanpool 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 vanpool 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 vanpool 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 vanpool group experiences repeated difficulties with its vanpool account registration or payment status, then the vanpool group should contact the relevant transit agency that sponsors the vanpool group.

C. 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. If a Transit Agency Van is issued a warning notice for failure to display a permit, no permit, etc., then the Parking Enforcement Staff will leave a copy of the warning notice on the vehicle, and, within three business days of the date on the notice, will also send notification of the warning (with supporting information) to the operator agency and to Metro.
3. If a van group participant calls the Parking Enforcement Staff to contest a warning, then the Parking Enforcement Staff will follow the review process in Section 6.5 above, regarding vehicles with valid but improperly displayed HOV permits. If a warning notice is overturned because of a Parking Enforcement Staff error, 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 HOV 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 Park & Ride areas reserved for Metro vehicles, for law enforcement, for disabled parking, or otherwise in violation of K.C.C. 28.96.010.A.7 may be towed consistent with that section and RCW chapter 46.55.

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 Division is responsible for the implementation of this rule.

V. Maintenance

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

VI. Consequences for Noncompliance

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

Appendices: None

