

VII. STANDING COMMITTEES**B. Finance, Audit and Facilities Committee**Adopt Amendments to Chapter 478-116 WAC, Parking and Traffic Rules of UW Seattle**RECOMMENDED ACTION:**

It is the recommendation of the administration and the Finance, Audit and Facilities Committee that the Board of Regents adopt the proposed amendments to Chapter 478-116 WAC, “Parking and Traffic Rules of the University of Washington, Seattle” included in Attachment A with an effective date of August 8, 2011.

BACKGROUND:

Chapter 478-116 WAC, “Parking and Traffic Rules of the University of Washington, Seattle” was last updated in 1997. Since that time, the University has changed its organizational structure, moving parking enforcement and citation adjudication from the UW Police Department (UWPD) to Transportation Services. Parking industry best practices have also evolved significantly, as have University standards for codification in the Washington Administrative Code, versus University policy or department guidelines.

In addition to reflecting organizational changes, updates are proposed to 478-116 WAC that increase efficiencies, enhance management of parking assets, shift policy or operational language to a new Administrative Policy Statement and internal procedure manuals, and clean up language to reflect changes in titles and department names.

Proposed changes to Chapter 478-116 WAC include:

- Finalizing the shift of parking enforcement authority from UWPD to Transportation Services
- Updating fine schedules
- Streamlining appeal processes
- Assigning citation responsibility to permit holders
- Authorizing implementation of vehicle immobilization as an alternative to towing
- Updating titles and department names

In order to administer these rule amendments efficiently, the proposed amendments to Chapter 478-116 WAC are intended to go into effect on August 8,

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2011. Transportation Services will adjust operational practices to implement the amended language between the Regents' adoption and implementation in August.

Additional History

In 2007, the Vice Provost for Student Life and Executive Vice President signed a memorandum of understanding shifting parking enforcement from UWPD to Transportation Services. This transition created cost and logistical efficiencies by aligning parking enforcement, permit issuance and management duties under the administrative oversight of Transportation Services. Until WAC language could be updated to reflect this change, the departments implemented a dual reporting system where parking enforcement officers reported to both Transportation Services and UWPD. This update to Chapter 478-116 WAC will finalize this transition and give Transportation Services authority to conduct parking enforcement independently.

Rulemaking Process

As required by the Washington Administrative Code rule-making process, the University filed a Preproposal Statement of Inquiry with the state on February 6, 2009 and the Proposed Rule Making on February 3, 2011. The proposed language underwent review by the Attorney General's Office, the Rules Coordination Office and the Code Reviser's Office in Olympia. The University Transportation Committee, comprised of student, staff and faculty representatives, reviewed and approved the proposed language to move forward through rule making on July 26, 2010.

The public was notified that a hearing would be held to consider these proposed amendments via notices in the *Washington State Register*, *The Daily* and *UW Today* and was included in the online event calendar for UW Seattle. The public hearing was held on April 7, 2011. No comments were received at the hearing. A copy of the Hearing Officer's Report is provided as Attachment C.

It should be noted that on November 17, 2010 the Governor issued Executive Order 10-06 directing agencies under her jurisdiction to suspend non-critical rule making until January 1, 2012 to promote economic recovery by creating a predictable regulatory and policy environment for small businesses and local government. However, as this rule making does not impact small businesses or economic recovery, and addresses matters only within the University's Seattle campus, it remains permissible. Timely adoption of this language is deemed critical towards addressing matters of public safety, including provisions to enhance protection of state assets and increasing system transparency by aligning

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Chapter 478-116 WAC with current business practices established through the 2007 memorandum of understanding.

REVIEW AND APPROVAL:

These amendments have been reviewed and recommended for approval by the University Transportation Committee (consisting of representatives from Associated Students of the University of Washington, Graduate and Professional Student Senate, Faculty Senate, Professional Staff Organization, Washington Federation of State Employees, Service Employees International Union 925, Washington State Nurses Association, UW Police, Intercollegiate Athletics, Student Life, South Lake Union CTR Site, Real Estate Office, UW Medical Center, Planning and Budgeting, Disabilities Service Office, Facilities Services, Labor Relations, Commuter Services and Transportation Services); Associate Vice President, Facilities Services; Attorney General's Office; Chief of Police; Rules Coordination Office; Code Reviser's Office; and Senior Vice President.

Attachments

- A. Proposed Amendments to Chapter 478-116 WAC
- B. Rules File Document for Proposed Amendments to 478-116 WAC
- C. Hearing Officer's Report
- D. Memorandum of Understanding

PART I
PREAMBLE, GENERAL INFORMATION, AND DEFINITIONS

AMENDATORY SECTION (Amending WSR 01-20-030, filed 9/26/01, effective 10/27/01)

WAC 478-116-010 Preamble. Pursuant to the authority granted by RCW 28B.10.560 and 28B.20.130, the board of regents of the University of Washington establishes the following rules to govern motorized and nonmotorized vehicle traffic and parking upon ~~((public))~~ lands and facilities of the University of Washington in Seattle, Washington.

AMENDATORY SECTION (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

WAC 478-116-020 Objectives of parking and traffic rules.
~~((1))~~ The objectives of these rules are:
~~((a))~~ (1) To protect and control pedestrian and vehicular traffic ~~((and parking))~~ on the campus ~~((of the university))~~;
(2) To assure access at all times for emergency vehicles and equipment ~~((of the university))~~;
(3) To minimize traffic disturbances ~~((during class hours))~~;
(4) To facilitate the ~~((work))~~ operations of the university by assuring access to its vehicles ~~((and by assigning the limited parking space and hours of operation for the most efficient use))~~;
(5) To allocate limited parking space in order to promote its most efficient use;
(6) To protect state property; and
(7) To encourage and support travel to the ~~((university))~~ campus by means other than single occupancy vehicle (SOV).
~~((2))~~ ~~Permission to park or operate a vehicle at the University of Washington is a privilege granted by the board of regents of the University of Washington.)~~

ATTACHMENT A

NEW SECTION

WAC 478-116-022 Knowledge of parking and traffic rules. It is the responsibility of all individuals parking or operating a vehicle on the campus to comply with these rules. Lack of knowledge of these rules shall not be grounds for the dismissal of any citation for a violation of the parking or traffic rules.

NEW SECTION

WAC 478-116-024 Definitions. (1) **Authorized agent.** An entity or individual authorized by the director of transportation services to facilitate services provided by the department.

(2) **Bicycle.** Any device defined as a bicycle in chapter 46.04 RCW.

(3) **Campus.** The University of Washington, Seattle, and those lands and leased facilities of the university within UWPD jurisdiction and where parking is managed by transportation services.

(4) **Fee.** A charge for the use of services provided and facilities managed by transportation services.

(5) **Impoundment.** The removal of the vehicle to a storage facility either by an authorized agent of transportation services or UWPD.

(6) **Immobilization.** The attachment of a metal device to a wheel of a parked car so that the vehicle cannot be moved.

(7) **Meter.** A single fixed device that registers and collects payment for the length of time a vehicle occupies a single parking space. A meter does not produce a receipt, physical permit, or virtual permit. A meter is not a permit-issuance machine.

(8) **Motorcycles and scooters.** Motor vehicles designed to travel with not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and which is designed to be steered with a handle bar. For the purposes of these rules, motorcycles, motorized bicycles excluding pedal assisted electric bicycles, and scooters are considered motor vehicles and are subject to all traffic and parking rules controlling other motor vehicles.

(9) **Motor vehicle.** An automobile, truck, motorcycle, scooter, or bicycle that is assisted by an engine or other mechanism, or vehicle without motor power designed to be drawn or used in conjunction with the aforementioned vehicles including, but not limited to, trailers, travel trailers, and campers. In addition, any bicycle with an electric motor that is disengaged will be considered a bicycle and not a motor vehicle under this chapter.

(10) **Nonmotorized vehicle.** A device other than a motor vehicle used to transport persons, including, but not limited to, bicycles, skateboards, in-line skates, and roller skates.

(11) **Operator or driver.** Every person who drives or is in actual physical control of a motor vehicle or nonmotorized vehicle.

(12) **Overtime parking.** The occupation by a vehicle of a time-limited space beyond the posted time limit or time provided on a permit, meter, or permit-issuance machine.

(13) **Parking product.** A product issued by transportation services to manage motorized and nonmotorized access to the university. Parking products include, but are not limited to, permits, access to bicycle lockers and other bicycle parking facilities, and parking access cards.

(14) **Parking space.** A space for parking one motor vehicle designated by lines painted on either side of the space, a wheel stop positioned in the front of the space, a sign or signs, or other markings.

(15) **Permit.** A document approved by and/or issued by transportation services that when properly displayed authorizes a person to park.

(16) **Permit-issuance machine.** A transportation services deployed and managed machine that issues physical or virtual permits for designated spaces. A permit-issuance machine is not a meter.

(17) **Registered owner.** The person who has the lawful right of possession of a vehicle most recently recorded with any state department of licensing.

(18) **Roller skate/in-line skate.** A device used to attach wheels to the foot or feet of a person.

(19) **Skateboard.** Any oblong board of whatever composition, with a pair of wheels at each end, which may be ridden by a person.

(20) **Traffic.** The movement of motorized vehicles, nonmotorized vehicles and pedestrians in an area or along a street as is defined in chapter 46.04 RCW.

(21) **Transportation services.** The university department that manages and maintains parking facilities, issues parking products, issues citations, processes citation appeals, and collects fees and fines.

(22) **University.** The University of Washington, Seattle, and collectively those responsible for its control and operation.

(23) **UWPD.** University of Washington police department.

(24) **Vehicle.** Any motorized or nonmotorized vehicle.

(25) **Visitor.** A person who is neither an employee nor a student of the university.

(26) **Virtual permit.** A permit stored within a permit-issuance machine that authorizes a person to park in a designated space. Virtual permits are valid for a space through the date or time stored in the machine.

AMENDATORY SECTION (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

WAC 478-116-030 Applicable parking and traffic rules. The following laws and rules apply upon (~~state lands devoted mainly to the activities of the University of Washington~~) campus:

(1) Vehicle and other traffic laws of the state of Washington, Title 46 RCW.

(2) University (~~of Washington~~) parking and traffic rules.

NEW SECTION

WAC 478-116-035 Enforcement of parking and traffic rules. The university has full control of parking and traffic management on campus. Authorized agents of transportation services enforce parking rules and may conduct traffic control on campus. UWPD officers are authorized to enforce traffic and parking rules on campus. The university may impose additional traffic and parking restrictions to achieve the specified objectives of this chapter during special events and during emergencies.

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-061 Liability of the university. Except for vehicles that the university owns and operates, the university assumes no liability under any circumstance for vehicles ((parked on university properties)) on the campus. No bailment, but only a license, is created by the purchase and/or issuance of a permit.

**PART II
PARKING ((SERVICES)) RULES**

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-111 ((Valid)) Permit required for all motorized vehicles parked on campus. Except as provided in WAC 478-116-112 and 478-116-155, no person shall park or leave any motorized vehicle, whether attended or unattended, upon the campus unless the person first purchases a valid permit from transportation services or a transportation services permit-issuance machine. Permission to park on campus will be shown by display of a valid permit in accordance with WAC 478-116-122.

(1) A valid permit is ((one of the following)):

((1) An unexpired and unrecalled vehicle permit with an area designator that is properly registered and displayed on a vehicle in accordance with WAC 478-116-223.

(2)) (a) A current, physical vehicle permit issued by an authorized agent or permit-issuance machine designated by transportation services and displayed in accordance with WAC 478-116-122;

(b) A temporary physical permit ((authorized)) issued by ((parking services and displayed in accordance with instructions on the permit.

(3) A parking permit issued by a gate attendant which is displayed face up on the vehicle dashboard and is fully visible from the exterior of the motor vehicle)) an authorized agent or permit-issuance machine designated by transportation services. Temporary permits are valid through the date or time of the permit; or

(c) A virtual permit that is stored within a permit-issuance machine for designated spaces. Virtual permits are valid for a specific space through the date or time stored in the machine and, if applicable, listed on the customer receipt.

(2) Parking permits are not transferable, except as provided in WAC 478-116-114.

(3) Transportation services reserves the right to refuse to issue parking permits.

(4) The university may allow persons without permits to drive through the campus without parking.

NEW SECTION

WAC 478-116-112 Visitor parking for motorized vehicles. (1) No permit or payment shall be required for public safety and emergency vehicles while performing emergency services.

(2) Permits and payment of fees are required for all visitors parking on campus, unless exempted by transportation services' policy or state and local law.

(3) University departments may pay for all or part of the

permit fee for their official visitors and guests.

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-114 ((Transferable)) Transfer of permits limited.

(1) Permits ((holders)) may ((transfer one valid permit)) be transferred between motor vehicles((. Improper transfer of a permit shall include, but not be limited by, the wrongful sale, lending, or bad faith transfer of a parking permit)) registered with transportation services for that individual permit, but may not be transferred to a third party to be used in an unregistered vehicle. The transfer of a permit by any unauthorized means including, but not limited to, resale or lending is prohibited.

(2) Permits ((displaying license plate numbers shall only be valid in the vehicles whose license number matches the number written on the permit)) are not transferrable between parking areas, unless authorized by transportation services.

NEW SECTION

WAC 478-116-118 Responsibility of person to whom the permit is issued. (1) The person(s) to whom a permit is issued is responsible for paying for the permit until the permit expires or is returned to transportation services, unless stated otherwise in these rules. All associated outstanding fees must be satisfactorily settled before a parking permit may be issued, reissued, or renewed.

(2) Permit holders shall provide transportation services with the license plate numbers of any vehicles they intend to use with a permit.

(3) The person(s) to whom a permit is issued is responsible for any violations of this chapter associated with a vehicle to which the permit is affixed and/or registered pursuant to WAC 478-116-341 up to the date and time the permit expires or is reported lost or stolen.

NEW SECTION

WAC 478-116-122 Display of permits. (1) Permits shall be prominently displayed and be fully visible from the exterior of the vehicle or recorded in a permit-issuance machine as required by transportation services.

(2) Instructions on how to properly display permits will be provided by transportation services at the time of sale and on the transportation services' web site.

NEW SECTION

WAC 478-116-124 Parking fees. Fees for parking and the effective date thereof shall be submitted to the board of regents for approval by motion. Prior to approval by the board of regents, the university shall, after notice, hold a hearing on the proposed schedule. The hearing shall be open to the public, and shall be presided over by a presiding officer who shall prepare a memorandum for consideration by the university, summarizing the contents of the presentations made at the hearing. Approved fee schedules shall be available in the lobby of the university transportation center and on the University of Washington web site.

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-131 (~~(Parking for)~~) Special events (~~(and other university functions)~~) parking and lot closures. (~~((1) Parking for attendees to events that may displace regular parking customers or that may require added parking services staffing shall be accommodated only if parking services can find suitable alternatives for regular parking customers. Parking fees will be charged as follows:~~

~~(a) Parking for attendees at freshman convocation will be complimentary. Parking services will charge the cost of staff and services used expressly for the event to the sponsoring department;~~

~~(b) An event rate will be charged to attendees of events that require staffing to collect fees; and~~

~~(c) The cost of prepurchased parking and alternative transportation for Husky football games shall be negotiated with the department of intercollegiate athletics.~~

~~(2) Parking services may rent available parking facilities to sponsors of events or to university departments that require parking areas to conduct their business who shall pay in advance~~

~~and be charged at a per space fee for the particular rented facility.~~

~~(3) Parking services may extend its hours of operations to encompass the hours of an event. The following conditions shall require a parking fee for events scheduled outside the normal hours of operation:~~

~~(a) Any activity which in the judgment of parking services is expected to attract over five hundred vehicles to campus; or~~

~~(b) Any event requiring a city of Seattle special event permit.~~

~~(4) University departments which sponsor functions such as athletic events, conferences, seminars and dinners may arrange parking for their guests on a space available basis. Departments have the option of paying for guest parking; otherwise, their guests will be responsible for the parking fee. Departments may also collect parking fees to facilitate prepaid parking with the prior approval of parking services.~~

~~(5) Parking services may displace permit holders from their regularly assigned areas during special events. Permit holders shall be provided an alternate area assignment during special events at no extra charge.)~~ (1) During special events causing additional or heavy traffic, the university may impose additional traffic and parking restrictions per WAC 478-116-035.

(2) The university reserves the right to close any campus parking area it deems necessary for maintenance, safety, events, construction or to meet special needs. Transportation services will, to the extent practical, provide notice to users and suitable alternatives for affected permit holders.

NEW SECTION

WAC 478-116-135 Parking within designated spaces. (1) No motor vehicle shall be parked on the campus except in areas designated as parking areas, unless authorized by transportation services, or in emergency situations, by UWPD.

(2) No person shall stop, stand, or park any motor vehicle so as to create a safety hazard, obstruct traffic along or upon any street, or obstruct pedestrian movement along any plaza, path, or sidewalk.

(3) No motor vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area, unless authorized by transportation services. The fact that other motor vehicles may have been so parked as to require the vehicle to occupy a portion of more than one space or stall shall not excuse a violation of this section.

NEW SECTION

WAC 478-116-155 Parking regulated by meter or permit-issuance machine. (1) Notwithstanding display of a valid permit to park in other parking areas/lots on campus, any motor vehicle which occupies a metered space is subject to payment of the meter fee and subject to the posted time limits. Motor vehicles displaying a disability permit or license plate issued by the state department of licensing shall not be subject to payment of fees when parked in a space which is restricted as to the length of time parking is permitted.

(2) Notwithstanding the display of a valid permit to park in other parking area/lots on campus, any motor vehicle which occupies a space requiring a space-specific permit administered by a permit-issuance machine is subject to payment of a permit fee and the posted time limits. Vehicles displaying a disability permit or license plate issued by the state department of licensing shall not be subject to payment of fees when parked in a space which is restricted as to the length of time parking is permitted.

NEW SECTION

WAC 478-116-175 Overtime parking violations. After a motor vehicle has been cited for parking beyond the time posted, the vehicle may be cited a frequency of one additional citation for each period of time equal to the maximum time limit posted for the space.

NEW SECTION

WAC 478-116-185 Operator's responsibility. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first:

- (1) Stopping the engine and locking the ignition; and
- (2) Effectively setting the brake and transmission to prevent movement of the vehicle.

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-191 Regulatory signs, (~~barricades, and~~) markings, barricades, etc. (1) (~~Signs, barricades, markings and directions shall be so made and placed to best meet the objectives stated in WAC 478-116-020 of these rules.~~) The university may erect permanent or temporary signs, barricades, paint marks, and other structures or directions upon the streets, curbs, and parking areas within the campus. Drivers of motorized and nonmotorized vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of motorized and nonmotorized vehicles shall comply with directions given to them by authorized agents of transportation services and UWPD in the control and regulation of traffic, in the assignment of parking spaces, and in the collection of parking fees.

(2) No (~~unauthorized person~~) one without authorization from transportation services or UWPD shall (~~remove,~~) move, deface, or in any way change a sign, barricade, structure, marking, or direction (~~so placed, or previously placed, for the purpose of regulating~~) that regulates traffic or parking. (~~Authority to make temporary changes of this nature with respect to streets or roadways must be obtained from the university police department.~~)

NEW SECTION

WAC 478-116-193 Prohibited parking area(s). (1) No motor vehicle shall be parked at any place where official signs prohibit parking such as, but not limited to, "tow zone," "fire zone," "prohibited," or "no parking."

(2) No motor vehicle shall be parked within fifteen feet of a fire hydrant.

NEW SECTION

WAC 478-116-195 Prohibited parking--Space designated as disability or wheelchair. No motor vehicle shall be parked in a disability or wheelchair space or lot without an appropriate permit.

NEW SECTION

WAC 478-116-197 Motorcycle, moped, scooter, and motorized bicycle parking. (1) Motorcycles, scooters, mopeds, and motorized bicycles powered or assisted by combustible engines are considered motor vehicles and subject to all parking rules. These vehicles shall not be permitted to park on pathways, sidewalks, authorized bicycle racks or storage facilities, pedestrian areas, or in buildings.

(2) Motorcycles, scooters, mopeds, and motorized bicycles powered or assisted by combustible engines may only be parked in designated cycle areas and require a permit.

NEW SECTION

WAC 478-116-199 Bicycle parking. (1) Bicycles and bicycles assisted by electric motors shall be parked only in bicycle racks or designated bicycle parking facilities. All bicycle owners are encouraged to secure their bicycles with a secure lock. At no time shall a bicycle be parked:

(a) In a building, except where bicycle storage rooms are provided;

(b) Near a building exit;

(c) On a path or sidewalk unless attached to a university bike rack;

(d) In planted areas; or

(e) Chained or otherwise secured to trees, lamp standards, railings, garbage receptacles, fencing, or sign posts.

(2) Bicycle racks in campus areas are for parking and shall not be used for overnight storage, except for those racks adjacent to residence halls which may be used for storage when the owner/operator is a current resident of that hall. Bicycle lockers in campus are to be used for bicycle parking and may be used for overnight storage of a bicycle.

PART III

((~~PARKING VIOLATIONS~~)) USE OF MOTORIZED AND NONMOTORIZED VEHICLES

AMENDATORY SECTION (Amending WSR 97-14-005, filed 6/19/97, effective 9/15/97)

WAC 478-116-221 ((Parking)) Use of motorcycles ((and)), mopeds, scooters, and motorized bicycles. (1) Motorcycles, scooters, mopeds, and motorized bicycles (~~(, and scooters must only be parked in designated cycle areas. Motorcycles, motorized bicycles, and scooters are)~~) powered or assisted by combustible engines or engaged electric motors are considered motor vehicles and subject to all traffic rules. These vehicles shall not be permitted (~~((to drive or park))~~) on paths, ((on)) sidewalks, ((on planted areas, in buildings, or in)) authorized bicycle or pedestrian areas, or in buildings.

(2) Bicycles assisted by electric motors are permitted on campus paths and sidewalks where bicycles are permitted to travel if the motor is disengaged and the bicycle is powered solely through human pedaling.

NEW SECTION

WAC 478-116-232 Use of bicycles. (1) The primary aim of the bicycle control program is safety. All bicycle owners are encouraged to register their bicycles at UWPD.

(2) Bicycles may be ridden any place where vehicles are permitted. They may be ridden on most sidewalks, though pedestrians always have the right of way. It shall be a violation of this section for any bicycle rider to fail to yield to pedestrians, or to ride a bicycle on paths, sidewalks, or streets where signs indicate it is prohibited. An audible signal or warning must be given by the bicyclist whenever there is any appreciable risk of injury to a pedestrian not otherwise aware of the presence of the bicycle.

(3) Bicycles operated on paths, sidewalks, and roadways shall be subject to all relevant state statutes regulating bicycle use. Violation of those statutes shall be considered a violation of this section.

(4) Bicycles shall be operated in a safe manner at all times. Riding at speeds too fast for conditions, weaving in and out of vehicular or pedestrian traffic, or similar unsafe actions shall be considered "negligent riding." Negligent riding shall be a violation of this section.

(5) Moving or riding a bicycle into any unauthorized area such as a building or construction zone is prohibited.

NEW SECTION

WAC 478-116-242 Use of skateboards. Skateboard use in pedestrian areas including, but not limited to, walkways, ramps, concourses, and plazas (such as "Red Square"), and on internal university streets and loading areas on the campus, is restricted solely to transporting an individual from one campus destination to another. Any recreational, athletic, or other exhibitional use of skateboards unrelated to transportation is strictly prohibited, unless expressly approved in advance by the appropriate committee on the use of university facilities, pursuant to chapter 478-136 WAC. The use of skateboards for any purpose within parking lots or parking garages is strictly prohibited.

PART IV
((MOTOR VEHICLE CITATION ISSUANCE)) FINES, CITATIONS,
IMMOBILIZATION, AND IMPOUNDMENT

AMENDATORY SECTION (Amending WSR 04-13-086, filed 6/17/04, effective 8/16/04)

WAC 478-116-301 Issuance of parking and traffic citations
((for motor vehicle violations)). (1) ((The university police department)) Upon probable cause to believe that a violation of this chapter related to motorized vehicle parking has occurred, an authorized agent of transportation services may issue a parking citation ((for a violation of these rules. The citation shall set)) setting forth the date, approximate time, locality, ((and)) nature of the violation((. The citation shall be served upon the person charged with the violation by delivery, mail, or placement upon the vehicle involved)), identifiable characteristics of the vehicle if applicable, and the amount of the fine(s).

(2) Upon probable cause to believe that a violation related to parking, traffic, or nonmotorized vehicles has occurred, UWPD may issue a citation setting forth the date, approximate time, locality, nature of violation, identifiable characteristics of the vehicle if applicable, and amount of the fine(s).

(3) The following information shall accompany and/or be printed on the ((parking)) citation:

- (a) The violation fine and instructions for payment; and
- (b) Instruction for contesting the citation, including where to obtain and submit petitions((, and
- (c) Notice that)).

(4) The citation shall be served on the person responsible for

the violation by:

(a) Attaching a copy of the citation to the vehicle allegedly involved in the violation;

(b) Mailing a copy of the citation to the registered owner; or

(c) Serving a copy of the citation personally to the person responsible.

(5) Failure to pay fines or contest the citation within the time specified in these rules can result in ((the sanctions)) a late payment fee as set forth in WAC ((478-116-561)) 478-116-335.

NEW SECTION

WAC 478-116-305 Immobilization or impoundment of motor vehicles. Any motor vehicle may be subject to immobilization or impoundment for cause as specified under WAC 478-116-351. The university and its officers, employees, and agents shall not be liable for loss or damage of any kind resulting from such immobilization or impoundment. The permit holder and/or registered owner of a vehicle that has been immobilized shall be fully liable for any loss or damage to immobilization equipment.

NEW SECTION

WAC 478-116-315 Parking product revocations. Parking products issued by the university are the property of the university, and may be recalled or revoked by the university for any of the following reasons:

- (1) When the purposes for which the parking product was issued changes or no longer exists;
- (2) When an unauthorized individual uses the parking product;
- (3) Falsification on a parking product application;
- (4) Nonpayment of fees and/or fines;
- (5) Receiving over eight citations within a calendar year;
- (6) Counterfeiting or altering of parking products; or
- (7) Failure to comply with a final adjudicated decision of transportation services.

NEW SECTION

WAC 478-116-321 Use of recalled, revoked, lost, stolen, or forged/altered permits prohibited. (1) Vehicles displaying parking products that have been recalled, revoked, forged, altered, or reported lost or stolen will be subject to a citation and immobilization or impoundment on sight. Parking products that have been revoked, recalled, or reported lost or stolen must be returned to transportation services or an authorized agent of transportation services before the vehicle will be released.

(2) Purchasing a parking product from a party other than transportation services or a lawful designee, shall not constitute an excuse or defense for violating this section.

(3) Parties using parking products that have been recalled, revoked, forged, altered, or reported lost or stolen shall be subject to a serious violation per WAC 478-116-325 and, in addition, will be responsible for paying the cost of an equivalent permit fee from the date the permit was revoked, recalled, or reported lost or stolen to the date the permit expired or was returned to transportation services.

(4) Any unpaid fines for a violation of the rules in chapter 478-116 WAC will be deducted from any refunds resulting from the revocation of parking products.

NEW SECTION

WAC 478-116-325 Motor vehicle fine schedule. The following schedule of fines for violations of the rules listed below is hereby established.

Offense Category	Maximum Citation Fine	Fine if Citation is Paid Within 20 Calendar Days	Applicable Violations
Minor	\$20.00	\$15.00	<ul style="list-style-type: none">● Permit not registered to vehicle, see WAC 478-116-114;● Parking outside of area assigned by permit, see WAC 478-116-114;● Improper display of permit, see WAC 478-116-122.
General	\$40.00	\$35.00	<ul style="list-style-type: none">● No valid permit displayed, no valid permit for space or parking without making payment, see WAC 478-116-111, 478-116-112, and 478-116-155;● Occupying more than one space, see WAC 478-116-135;● Parking at expired meter, see WAC 478-116-155;● Overtime parking, see WAC 478-116-175;

Offense Category	Maximum Citation Fine	Fine if Citation is Paid Within 20 Calendar Days	Applicable Violations
			<ul style="list-style-type: none"> All other violations of this chapter.
Major	\$60.00	\$50.00	<ul style="list-style-type: none"> Obstructing traffic or pedestrian movements, see WAC 478-116-135; Parking in restricted, prohibited, or nonparking areas, see WAC 478-116-135, 478-116-191, and 478-116-193.
Serious	\$300.00	\$250.00	<ul style="list-style-type: none"> Disability/wheelchair space violations, see WAC 478-116-195; Use of revoked, stolen, forged, or altered parking products, see WAC 478-116-315.
Late Payment Fee	Maximum Citation Fine + \$25.00	N/A	Penalty for failure to pay fine, respond, or comply with final decision of the citation hearing office within time limits, see WAC 478-116-301.

NEW SECTION

WAC 478-116-331 Nonmotorized vehicle fine schedule. The following schedule of fines for violations of the rules listed below is hereby established.

Offense Category	Maximum Citation Fine	Applicable Violations
General	\$10.00	Failure to yield to pedestrians, riding in restricted/prohibited areas, violation of state bicycle codes, see WAC 478-116-232.
Major	\$25.00	Negligent riding, see WAC 478-116-232.
Impoundment Fee	\$10.00	Bicycle impoundment, skateboard impoundment, see WAC 478-116-365 and 478-116-371.
Skateboard Violations	\$10.00 - \$30.00	Fines based on number of violations within a set time period, see WAC 478-116-371.
Late Payment Fee	Maximum Citation Fine + \$25.00	Penalty for failure to pay fine, respond, or comply with the final decision of the citation hearing office within time limits, see WAC 478-116-301.

NEW SECTION

WAC 478-116-335 Payment of citation fines. (1) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. If a parking citation is paid within twenty calendar days, the citation fine shall be discounted according to the amounts listed in WAC 478-116-325.

(2) Fines for parking citations must be delivered in person to the transportation services' office, paid on-line, or mailed and postmarked on or before the due date specified in these rules to avoid additional penalties.

(3) Fines for traffic citations associated with violations of this chapter must be delivered in person to the UWPD office, or mailed and postmarked on or before the due date specified in these rules to avoid additional penalties.

(4) If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the university shall impose an additional fine as specified in WAC 478-116-325 or 478-116-331 and may:

(a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid;

(b) Delay registration for the following quarter;

(c) Impound or immobilize the violator's vehicle after providing notice of nonpayment to the permit holder and/or registered owner;

(d) Deny future parking privileges to the violator; or

(e) Refer outstanding balances associated with unpaid fines for collection in accordance with applicable statutes and university procedure.

(5) An accumulation of traffic and parking violations by a student may be cause for discipline under the student conduct code of the university (see chapter 478-120 WAC).

(6) In addition to any other penalty which may be imposed as a result of actions described in this chapter, campus parking privileges shall be suspended until all such debts are paid.

NEW SECTION

WAC 478-116-341 Motorized vehicles--Responsible parties for illegal parking. (1) For any motor vehicle citation involving a violation of this chapter where the motor vehicle is registered to a permit holder, there shall be a prima facie presumption that the permit holder was the person who operated the motor vehicle in violation of these rules. Such responsibility does not afford a defense to another person who violated these rules.

(2) For any motor vehicle citation involving a violation of this chapter where the motor vehicle is not registered to a permit holder, there shall be a prima facie presumption that the

registered owner of the motor vehicle was the person who operated the motor vehicle in violation of these rules. Such responsibility does not afford a defense to another person who violated these rules.

(3) This section shall not apply to university operated motor vehicles. The operator of a university motor vehicle is personally liable for any citation issued to the motor vehicle.

(4) A third party other than the permit holder or registered owner can assume responsibility for a citation by either paying the citation within twenty calendars days of the date of the citation or submitting a petition where the third party agrees to take responsibility.

NEW SECTION

WAC 478-116-351 Motorized vehicles--Immobilization and impoundment. (1) In addition to issuing citations for violations of these rules, authorized agents of transportation services and UWPD may immobilize or impound any motorized vehicle parked on campus in violation of these rules. The expenses of immobilization, impoundment, and storage shall be charged to the owner or operator of the motor vehicle, or both, and must be paid before the motor vehicle's release. Grounds for immobilizing or impounding motor vehicles shall include, but not be limited to, the following:

- (a) Blocking a roadway so as to impede the flow of traffic;
- (b) Blocking a walkway, trail, sidewalk, or crosswalk so as to impede the flow of pedestrian traffic;
- (c) Blocking a fire hydrant or fire lane;
- (d) Creating a public safety hazard;
- (e) Blocking another legally parked vehicle;
- (f) Parking in a marked "tow-away" zone;
- (g) Failing to pay a fine imposed under this chapter following notice of nonpayment to the registered permit holder and/or registered owner of the motor vehicle;
- (h) UWPD has probable cause to believe the motor vehicle is stolen;
- (i) UWPD has probable cause to believe the motor vehicle contains or constitutes evidence of a crime and impoundment is necessary to obtain or preserve such evidence; or
- (j) When a driver is arrested and/or deprived of the right to leave with the driver's motor vehicle and UWPD is responsible for safekeeping of the vehicle.

(2) Not more than one business day after immobilization or impoundment of any motor vehicle, the university shall mail a notice of immobilization or impoundment to the permit holder and/or registered owner of the motor vehicle and to any other person who claims the right to possession of the motor vehicle, if those

persons can be identified. Similar notice shall be given to each person who seeks to redeem an immobilized or impounded motor vehicle. If a motor vehicle is redeemed prior to the mailing of the notice, the notice may not be mailed. The notice shall contain the date of immobilization or impoundment, reason for the action, the location of the motor vehicle if impounded, redemption procedures, and an opportunity to contest the immobilization or impoundment as provided in WAC 478-116-415.

(3) A sticker will be attached to a motor vehicle that is immobilized which shall include, but is not limited to, the following information:

- (a) Date and time of immobilization;
- (b) Reason for immobilization;
- (c) Instruction for motor vehicle release; and
- (d) Notification that the motor vehicle will be towed within seventy-two hours of the date/time indicated on the sticker if the motor vehicle remains immobilized.

Motor vehicles that remain immobilized seventy-two hours after the immobilization device was placed on the motor vehicle will be impounded. Impoundment of these motor vehicles will follow the procedures outlined in WAC 478-116-361.

(4) Impounding or immobilizing a motor vehicle does not remove the obligation for any fines associated with the violation or other outstanding citations. All fines, fees, and the cost of the immobilization and impoundment (e.g., booting, towing, storage fees) must be paid prior to the removal of an immobilization device or the release of an impounded motor vehicle.

(5) Impounded motor vehicles shall only be redeemed by the registered owner who has a valid driver's license or a person authorized by the registered owner who has a valid driver's license and who produces proof of authorization and signs a receipt for the motor vehicle.

(6) Any person seeking to redeem a motor vehicle impounded or immobilized under this chapter has the right to contest the validity of the impoundment or immobilization, the amount of applicable booting, towing, and storage fees and shall have the motor vehicle released upon requesting a review provided in WAC 478-116-415, and paying any outstanding fines, towing, and storage charges.

NEW SECTION

WAC 478-116-361 Motorized vehicles--Impoundment of abandoned motor vehicles. Authorized agents of transportation services discovering an apparently abandoned motor vehicle shall attach to the motor vehicle a readily visible notification sticker warning of impoundment if the motor vehicle is not removed within seventy-two hours from the time the sticker is attached. The sticker shall

contain the following information:

- (1) The date and time sticker was attached;
- (2) A statement that if the motor vehicle is not removed within seventy-two hours from the time the sticker is attached, the motor vehicle will be impounded; and
- (3) The address and telephone number where additional information may be obtained.

If, the motor vehicle is not removed within seventy-two hours, the motor vehicle shall be impounded as described in WAC 478-116-351.

NEW SECTION

WAC 478-116-365 Nonmotorized vehicles--Impoundment of bicycles. (1) Bicycles parked in violation of WAC 478-116-199 will be subject to seizure and impoundment by the university.

(2) Except as provided by WAC 478-116-199(2), a bicycle abandoned or parked on campus, other than at residential halls, for fourteen consecutive days or longer is presumed abandoned and is subject to seizure and impoundment by the university. Bicycles remaining at resident halls once the school year ends will be presumed abandoned and are subject to seizure and impoundment by the university. A bicycle will not be considered abandoned when the owner/operator is unable to remove it and so notifies UWPD. A bicycle that has been obviously stripped or vandalized may be immediately impounded.

(3) Owners of impounded bicycles, if identifiable, will be notified as soon as reasonably possible after impoundment and must reclaim their bicycle within fifteen consecutive days. All fines, fees, and the impoundment fee must be paid prior to the release of the bicycle. Bicycles unclaimed after sixty consecutive days will be subject to sale through the university surplus property department.

(4) The university and its officers, agents, and employees shall not be liable for loss or damage of any kind resulting from impoundment, storage, or sale of any item under this section.

(5) Impoundment or sale of any bicycle under this section shall neither substitute for, or release, any person from liability for damage to persons or property caused by the use of a bicycle, nor does it remove the obligation for any fines associated with the violation or other outstanding citations. Any proceeds resulting from the sale of a bicycle through the university surplus department will be credited toward the outstanding fee associated with the impoundment of that bicycle.

(6) Any person seeking to redeem a bicycle impounded under this chapter has the right to contest the validity of the impoundment and the amount of applicable fees and shall have the bicycle released upon establishing ownership, requesting a review

provided in WAC 478-116-415, and paying any outstanding fines or storage charges.

NEW SECTION

WAC 478-116-371 Nonmotorized vehicles--Skateboard violations.

(1) Skateboard use in violation of WAC 478-116-242 shall result in the following:

(a) For the first offense, UWPD will record the name of the individual and provide a written warning against further skateboard use in violation of WAC 478-116-242. Individuals who cannot produce satisfactory identification will be given a receipt for their skateboard, which will be impounded at the UWPD station until they are able to return with the receipt and identification. There will be no impoundment fee.

(b) For a second offense, within twenty-four months of any previous offense or warning, the skateboard will be impounded for not less than forty-eight hours and the offender shall be subject to a fine of ten dollars plus applicable impoundment fee.

(c) For a third or subsequent offense, within twenty-four months of any previous two offenses, warnings, or combination thereof, the skateboard will be impounded for not less than thirty calendar days and the offender shall be subject to a fine of thirty dollars plus the applicable impoundment fee.

(d) Impounded skateboards will be held by UWPD and released only during regular business hours to individuals with satisfactory identification. Payment of a ten-dollar storage fee will also be required for release, except as provided in (a) of this subsection.

(2) Skateboards impounded under this section which are unclaimed sixty consecutive days after the applicable minimum impoundment time period has elapsed will be presumed abandoned and be subject to sale at a public auction conducted by the university surplus property department.

(3) The university and its officers, agents, and employees shall not be liable for loss or damage of any kind resulting from impounding, storage, or sale of any item under this section.

(4) Impoundment or sale of any skateboard under this section shall neither substitute for, nor release any person from liability for damage to persons or property caused by use of a skateboard at the university, nor does it remove the obligation for any fines associated with the violation or other outstanding citations. Any proceeds resulting from the sale of a skateboard through the university surplus department will be credited toward the outstanding fee associated with the impoundment of that skateboard.

(5) Any person seeking to redeem a skateboard impounded under this chapter has the right to contest the validity of the impoundment, the amount of applicable fees, and shall have the skateboard released upon requesting a review provided in WAC 478-116-415, and paying any outstanding fines or impoundment fees.

PART V
((IMPOUNDED MOTOR VEHICLES)) CITATION, IMMOBILIZATION, AND
IMPOUNDMENT APPEALS

NEW SECTION

WAC 478-116-405 Election to pay fine or contest citations.

(1) **Election to pay fine.** A person who receives a citation, shall, within twenty calendar days from the date of the citation either pay the applicable fine or contest the issuance of the citation in the manner prescribed in subsection (2) of this section. If paid within twenty calendar days of citation issuance, motorized parking citation fines shall be discounted per WAC 478-116-325. Once the applicable fine is paid, the citation can no longer be appealed. Failure to either pay the fine or timely appeal the citation shall automatically result in the citation being final, the full amount of the fine shall stand, and an additional late payment fee per offense shall be imposed for each citation which is not responded to within the time limits set forth in this section.

(2) **Election to contest a citation.** A person wishing to contest a citation (hereinafter "petitioner") may do so by completing and submitting a citation petition (hereinafter "petition") to the citation hearing office within twenty calendar days of the date of the citation. Petitions for motorized and nonmotorized parking citations must be delivered to transportation services within the allotted time limit. Petitions for traffic and all other nonmotorized citations must be delivered to UWPDP within the allotted time limit.

Petition forms are available at transportation services and UWPDP or on the transportation services and UWPDP web sites. The petitioner must complete each section of the petition form and provide a brief statement regarding circumstances associated with the citation. A citation hearing officer shall review the petition and provide written notification of his or her initial decision with information about the opportunity for further review within ten calendar days of taking action on the initial decision. The amount of any reduction to the fine assessed in the initial decision is at the discretion of the citation hearing officer. Any fines owed on an initial decision not contested as provided in subsection (3) of this section shall be paid within twenty-one calendar days after service of the initial decision. If payment is not received within twenty-one calendar days, any offer of settlement or reduction is withdrawn, the full amount of the fine

shall stand, an additional late fee shall be imposed, and the citation shall be deemed final.

(3) **Review of initial decision.** If a petitioner chooses to contest the initial decision issued by the citation hearing officer, the petitioner shall forfeit any reduction in the assessed fines offered in the initial decision. The petitioner must contact the department processing the petition (transportation services or UWPD) orally or in writing within twenty-one calendar days after service of the decision. The request for review shall contain an explanation of the petitioner's position and a statement of reasons why the initial decision on the petition was incorrect. The reviewing officer shall, within twenty calendar days of the date of the request to review the initial decision, render a final written decision which shall include a brief statement of the reasons for the decision, offer of settlement if applicable, and provide information about the opportunity to appeal the decision to district court. The amount of fine or settlement assessed in the final decision is at the discretion of the citation hearing officer. Any final decision of the reviewing officer not appealed as provided in subsection (4) or (5) of this section shall be paid within ten calendar days after service of the decision. If payment is not received within ten calendar days, any offer of settlement or reduction is withdrawn, the full amount of the fine shall stand, an additional late fee shall be imposed, and the citation shall be deemed final.

(4) **Discretionary review of initial decision.** If the petitioner has not requested a review of the initial decision, the citation hearing officer may, within twenty calendar days after service of the initial decision, conduct a review and issue a final decision on its own motion and without notice to the parties, but it may not take any action on review less favorable to the petitioner than the initial decision without giving the petitioner notice and opportunity to explain his or her view of the matter.

(5) **Appeal to district court.** The application for appeal to district court shall be in writing and must be filed with the department processing the petition (transportation services or UWPD) within ten calendar days of service of the final decision. The written notice must be submitted on the "Notice of Appeal" form provided by transportation services or UWPD. The Notice of Appeal form will be available at transportation services or UWPD during regular hours of operation. The department processing the citation will forward the documents relating to the appeal to district court. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section, in addition to this subsection. If a petitioner chooses to contest the decision issued by the citation hearing officer via appeal to the district court, the petitioner shall forfeit any reduction in the assessed fines offered in the hearing officer's decision.

(6) **Providing an oral statement.** A petitioner who requests a review of the initial decision under subsection (3) of this section may request the opportunity to provide an oral statement before the

citation hearing officer. A request to make an oral statement must be included in the request for review of the initial decision and must be submitted within ten calendar days of the initial decision. If the request for an oral statement is made, the citation hearing officer shall provide reasonable notice of the time and place for receiving the oral statement, which must occur no later than twenty calendar days after the request for review was submitted. If an oral statement cannot be scheduled within this time frame, the citation hearing officer will review the request as outlined in subsection (3) of this section.

NEW SECTION

WAC 478-116-415 Election to contest immobilization or impoundment. (1) **Submission of petition.** A person wishing to contest immobilization or impoundment of his or her motor vehicle or bicycle (hereinafter "petitioner") may do so by completing and submitting an immobilization or impoundment petition (hereinafter "petition") to transportation services within twenty calendar days of the date of the immobilization or impoundment. A person wishing to contest impoundment of his or her skateboard (hereinafter "petitioner") may do so by completing and submitting a petition to UWPD within twenty calendar days of the date of impoundment.

The petitioner must complete each section of the petition form and provide a brief statement regarding circumstances associated with immobilization or impoundment. The citation hearing officer shall review the petition and provide written notification of his or her decision with information about further review within ten calendar days of taking action on the petition. The amount of fine or fees assessed in the initial decision is at the discretion of the citation hearing officer. Any fines or fees owed on an initial decision not contested as provided in subsection (2) of this section shall be paid within twenty-one calendar days after service of the initial decision. If payment is not received within twenty-one calendar days, any offer of settlement or reduction is withdrawn, the full amount of the fine and fees shall stand, an additional late fee shall be imposed, and the immobilization or impoundment shall be deemed final.

(2) **Review of initial decision.** If a petitioner chooses to contest the initial decision issued by the citation hearing officer, the petitioner shall forfeit any reduction to the assessed fines offered in the initial decision. The petitioner must contact the department processing the petition (transportation services or UWPD) orally or in writing within twenty-one calendar days after service of the decision. The request for review shall contain an explanation of the petitioner's position and a statement of reasons why the initial decision on the petition was incorrect. The reviewing officer shall, within twenty calendar days of the date of

the request to review the initial decision, render a final written decision which shall include a brief statement of the reasons for the decision, offer of settlement if applicable, and provide information about the opportunity to appeal the decision to district court. The amount of fine or settlement assessed in the final decision is at the discretion of the citation hearing officer. Any final decision of the reviewing officer not appealed as provided in subsection (3) or (4) of this section shall be paid within ten calendar days after service of the decision. If payment is not received within ten calendar days, any offer of settlement or reduction is withdrawn, the full amount of the fine or fee shall stand, an additional late fee shall be imposed, and the citation shall be deemed final.

(3) **Discretionary review of initial decision.** If the petitioner has not requested a review of the initial decision, the citation hearing officer may, within twenty days after service of the initial decision, conduct a review and issue a final decision on its own motion and without notice to the parties, but it may not take any action on review less favorable to the petitioner than the initial decision without giving the petitioner notice and opportunity to explain his or her view of the matter.

(4) **Appeal to district court.** The application for appeal to district court shall be in writing and must be filed with the department processing the petition (transportation services or UWPD) within ten calendar days of service of the final decision. The written notice must be submitted on the "Notice of Appeal" form provided by transportation services or UWPD. The Notice of Appeal form will be available at transportation services or UWPD during regular hours of operation. The department processing the petition will forward the documents relating to the appeal to district court. No appeal to the district court may be taken unless the immobilization or impoundment has been contested as provided in subsections (2) and (3) of this section, in addition to this subsection.

(5) **Providing an oral statement.** A petitioner who requests a review of the initial decision under subsection (2) of this section may request the opportunity to provide an oral statement before the citation hearing officer. A request to make an oral statement must be included in the request for review of the initial decision and must be submitted within ten calendar days of the initial decision. If the request for an oral statement is made, the citation hearing officer shall provide reasonable notice of the time and place for receiving the oral statement, which must occur no later than twenty calendar days after the request for review was submitted. If an oral statement cannot be scheduled within this time frame, the citation hearing officer will review the request as outlined in subsection (2) of this section. If a petitioner chooses to contest the decision issued by the citation hearing officer via appeal to the district court, the petitioner shall forfeit any reduction in the assessed fines offered in the hearing officer's decision.

NEW SECTION

WAC 478-116-425 Presiding and reviewing citation hearing officer. The presiding and reviewing citation hearing officers shall be appointed in accordance with WAC 478-108-030 and shall have authority to hear and decide matters involving violation of these rules including, but not limited to, the ability to issue warnings, dismiss citations, and reduce, suspend, or impose the fines set forth in this chapter.

~~((PART VI
APPEALS AND PAYMENT OF MOTOR VEHICLE FINES))~~

~~((PART VII
BICYCLES AND NONMOTORIZED VEHICLES))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 478-116-044	Authorized use of streets and parking facilities.
WAC 478-116-051	Definitions.
WAC 478-116-101	Numbering of parking areas, parking allocation and issuance of permits.
WAC 478-116-116	Alternate and replacement permits.
WAC 478-116-121	Visitor parking.
WAC 478-116-125	Other types of permits.
WAC 478-116-141	Annual and quarterly permit periods.
WAC 478-116-145	Night and swing permits.
WAC 478-116-147	Carpool permits.
WAC 478-116-151	Parking of state of Washington-owned university-operated motor vehicles.
WAC 478-116-161	Parking fee payment.
WAC 478-116-163	Fee schedule.
WAC 478-116-165	Vehicle and driver's licenses required.
WAC 478-116-167	Right to refuse to issue a permit.

WAC 478-116-171	Responsibility of person to whom the permit is issued.
WAC 478-116-181	Refund conditions for parking permits.
WAC 478-116-184	Recall of permits.
WAC 478-116-186	Recall of carpool permits.
WAC 478-116-201	Permits required for motor vehicles parked during hours of operation--Assigned parking areas.
WAC 478-116-211	Metered parking.
WAC 478-116-223	Display of permits.
WAC 478-116-225	Permits and vehicle license plates.
WAC 478-116-227	Permit transfer.
WAC 478-116-231	Use of revoked permits prohibited.
WAC 478-116-241	Overtime parking violations--Repeated.
WAC 478-116-245	Obstructing traffic and pedestrian movement prohibited.
WAC 478-116-251	Obeying regulatory signs and instructions.
WAC 478-116-253	Prohibited parking area(s).
WAC 478-116-255	Prohibited parking--Space designated as disability or wheelchair.
WAC 478-116-261	Designated parking areas.
WAC 478-116-271	Parking within a designated parking space.
WAC 478-116-281	Parking--Safekeeping of unattended motor vehicles.
WAC 478-116-291	Impoundment of motor vehicles.
WAC 478-116-311	Motor vehicle fines and penalties.
WAC 478-116-401	Impoundment for failure to pay fines.
WAC 478-116-411	Impoundment without prior notice.
WAC 478-116-421	Impoundment of abandoned vehicles.
WAC 478-116-431	Notice and redemption of impounded vehicles.
WAC 478-116-501	Registered owner responsible for illegal parking.
WAC 478-116-520	Motor vehicles--Payment of fines and penalties.
WAC 478-116-531	Motor vehicles--Election to pay fine or contest citation.
WAC 478-116-541	Motor vehicles--Election to contest impoundment.
WAC 478-116-551	Motor vehicles--Presiding and reviewing officer.
WAC 478-116-561	Motor vehicles--Enforcement of decisions of citation hearing office.
WAC 478-116-605	Bicycle parking and traffic rules.
WAC 478-116-611	Nonmotorized vehicles--Citation for violations.

WAC 478-116-620	Nonmotorized vehicles--Fines and penalties.
WAC 478-116-630	Nonmotorized vehicles--Schedule of fines and penalties.
WAC 478-116-640	Nonmotorized vehicles--Election to pay fine or contest citation.
WAC 478-116-650	Nonmotorized vehicles--Presiding and reviewing officer.
WAC 478-116-660	Nonmotorized vehicles--Enforcement of decisions of citation hearing office.
WAC 478-116-670	Use of skateboards.

Introduction

Transportation Services and the University of Washington Police Department submitted a rule making proposal for changes to WAC 478-116, *Parking and Traffic Rules of the University of Washington Seattle*. The proposed language underwent substantial review by representatives and stakeholders throughout the University of Washington, including the University Transportation Committee, which is comprised of representatives from the student body, faculty and staff. The committee reviewed the language and endorsed moving it through the rule making process on July 26, 2010.

During the review, several questions were raised about of the proposed changes. Below is an overview of the key concerns and the conclusions that Transportation Services reached after full consideration of the reasonable alternatives.

1. Shifting enforcement from University of Washington Police Department to Transportation Services (WAC 478-116-035, 478-116-301)

After a review of systems and procedures, it was determined that the management of parking enforcement would be improved if it was moved from the University of Washington Police Department (UWPD) to Transportation Services. For example, transferring parking enforcement to Transportation Services enhances the administration of parking because it places enforcement, permit issuance, and parking management under the umbrella of one department. This allows for lower administrative costs and more consistency among parking functions.

In anticipation of rulemaking, University leadership signed a memorandum of understanding shifting parking enforcement to Transportation Services in 2007. Until WAC language could be updated, the departments implemented a dual reporting system where parking enforcement officers reported to both Transportation Services and the UWPD. The update to WAC 478-116 will finalize this transition and give Transportation Services sole authority to conduct parking enforcement. UWPD will maintain authority to enforce the rules in 478-116 to ensure public safety.

Benefits experienced by this shift include more consistent information dissemination, customers no longer visiting two offices to conduct parking related transactions, increased staffing efficiencies, and enhanced collaboration on how changes to the parking system impact enforcement and permitting systems.

2. Fine Schedule (WAC 478-116-325)

The current schedule of Motor Vehicle Fines and Penalties (WAC 478-116-311) was last updated in 2005 and is no longer in line with motor vehicle fine schedules of nearby local jurisdictions. The University has considered whether an update to the fine schedule is necessary and has determined that its parking rules are being seriously undermined because the University's parking fine schedule is not consistent with nearby local jurisdictions. Since University of

ATTACHMENT B

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Washington campus buildings are adjacent to City of Seattle right of ways, there is serious concern that individuals are more likely to park illegally on University-maintained property because they face lower sanctions than if they park illegally on City of Seattle property. When developing the new fine schedule, the University has made a good faith effort to align the new schedule with the City of Seattle's current fine schedule, while considering the specific dynamics of the UW parking system.

To offset concerns from the community about increasing the schedule of fines and penalties, the University is also introducing fine reductions for on-time citation payments. Individuals who pay their citation within 20 days of issuance will receive an automatic reduction in the maximum fine amount. The University is adopting this new option which will also add the operational benefits of encouraging timely payment and reducing the administrative costs of associated with untimely payment.

3. Immobilization of Vehicles (WAC 478-116-305, 478-116-351, 478-116-415)

At present, the University has no provision allowing for immobilization of vehicles. These updates will enable Transportation Services to immobilize vehicles for unpaid fines or serious violations of these rules. The University is introducing immobilization because it is less intrusive and provides a more efficient and friendly mechanism for addressing violations of the parking rules as contrasted to towing and impoundment. The University is also introducing these changes to be better aligned with the City of Seattle who has indicated intent to also introduce immobilization. Upon implementation of this language, Transportation Services will provide due process to those with outstanding fines by providing notice to the registered permit holder and/or registered owner prior to immobilizing the associated vehicles for non-payment.

4. Responsibility for Parking Citations (WAC 478-116-335)

Through the history of enforcing parking rules at the University it has become apparent that in the university setting, the permit holder of a vehicle is often not the registered owner of the vehicle. This has made the administration of parking citations under the current rules difficult because many registered owners have no direct ties to the University and our only recourse for recovery of these uncollected citation fines is through collections. Having considered this issue, Transportation Services desires to more closely tie the citation with our customer, who is the permit holder. Instituting a *prima facie* presumption that the permit holder was the person who operated the motor vehicle in violation of these rules keeps registered owners who may not be associated with the permit, such as a parent of a student permit holder or a third party owner of the vehicle displaying the permit, uninvolved.

The updated rule also allows needed flexibility. For example, a third party, such as a University department, will be able to take responsibility for the citation when they are responsible for the underlying parking violation (e.g. department provides incorrect parking information to a guest).

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If a citation is not paid or appealed, Transportation Services will provide notice of possible future actions to both the permit holder and registered owner. If a permit is not present in the vehicle receiving the citation, the registered owner will be the default responsible party.

5. Administrative Fees for Using Lost, Stolen, Revoked or Recalled Permits (WAC 478-116-321)

Permits issued by Transportation Services provide the right to park in University parking facilities from the date the permit is valid to the date the permit expires. When a party uses a permit that has been reported lost or stolen, or was recalled/revoked by Transportation Services, they are gaining this access right and are utilizing a state resource without paying for it. Parking facilities and permits are state assets and require payment from any person who chooses to utilize them. Parties who choose to use lost, stolen, revoked or recalled permits should not be exempted from paying the scheduled fee that all customers pay for enjoying these rights. Therefore, the University has considered the best way to avoid the significant cost associated with the use a lost, stolen, revoked or recalled permit and has concluded that best way to dissuade individuals from using such permits is subjecting those who use a lost, stolen, revoked or recalled permit to a fee that equals the permit fee from the date the permit was reported lost, stolen, revoked or recalled to the date the permit expires or is returned. Information about the payment of these administrative fees and any associated citation fines will be included on permit applications, the Transportation Services' web sites and the back of physical permits.

6. Requiring Written Statements for Initial Appeals (WAC 478-116-405, 478-116-415)

Transportation Services estimates that requiring the initial appeal to be a written statement will result in approximately 10 to 20 percent savings in labor hours during the appeals process. Written appeals allow Transportation Services to better plan and schedule labor resources shared between the Citation Hearing Office and other workgroups within Transportation Services, ensuring staff availability during peak business periods. Processing written appeals is not dependent on aligning the Citation Hearing Officer's schedules with those of the appellant, resulting in a more timely response to the appeal within the time frames set by the Administrative Procedures Act for brief adjudicative hearings. An established written matrix is used to maintain consistency. Maximizing use of the matrix is accomplished through written appeals. Eighty five percent of all appeals fall into a prescribed path within the matrix. Requiring a written statement during the first phase of the appeal also aligns the University of Washington Seattle's appeal process with the appeals process of other intuitions of higher education in Washington State.

7. Moped and Motorized Bicycle Parking (WAC 478-116-197, 478-116-221)

These updates prohibit bicycles or mopeds with internal combustion engines (e.g. gas engines) from parking in bicycle racks and traveling along pathways, sidewalks and trails due to the potential public safety hazards associated with engine fire/combustion. University bicycle racks are not all located in areas where it is safe to store vehicles with combustible fuels that could cause a fire or other injury. Pathways, sidewalks and trails in addition to bicycle racks are also

April 4, 2011

often located in areas near air intake mechanisms where exhaust associated with this type of vehicle is hazardous. The University has considered these risks and determined that best approach is to require mopeds and bicycles with combustible fuel engines to follow the same parking rules as motorcycles and scooters. This will best protect the public and University property from the potential hazards associated with combustible fuels.

Bicycles with electric assist motors are allowed to park at bicycle racks and facilities due to the significantly lower risk associated with electric motors and fire/combustion and exhaust. However, bicycles with electric assist motors must only be powered only through human pedaling when traveling along pathways, sidewalks and trails per state law.

April 20, 2011

Interim President Phyllis M. Wise
Office of the President
University of Washington
Box 351230

Dear Interim President Wise,

Pursuant to your delegation, I served as the Hearing Officer to receive public comment on the University of Washington's proposed amendments to Chapter 478-116 WAC, "Parking and Traffic Rules of the University of Washington, Seattle," at the April 7, 2011 public hearing; and Mr. Clark Shores, Assistant Attorney General – UW Division, served as the Hearing Officer at the December 13, 2010 public hearing. The hearings were held in Room 231 of Mary Gates Hall at the University of Washington, Seattle campus. I am pleased to provide this report on both hearings.

As required by the Administrative Procedure Act, the University filed the following notices with the Washington State Office of the Code Reviser: a Preproposal Statement of Inquiry (published as WSR 09-05-014); two notices of Proposed Rule Making (published as WSR 10-22-102 and WSR 11-05-010); a Withdrawal (WSR 11-03-057); and a Continuance (WSR 11-07-104). Notices that a hearing would be held were published for the first hearing in *The Daily* on December 2, 2010, and in *UW Today* on December 2 and 9, 2010; and for the second hearing in *The Daily* on March 30, 2011, and in *UW Today* on March 31, 2011. In addition, notice of these public hearings was included in the UW Seattle online events calendar prior to both events. The written comment period began February 6, 2009, and ended April 7, 2011.

A second public hearing was held, per the Administrative Procedure Act, to accommodate text changes requested by the UW administration after the first hearing had been held and prior to the request for adoption.

Public Comment

No individuals attended either hearing to provide comment on these proposed amendments and no written comments were received.

Analysis and Recommendation

The proposed amendments to Chapter 478-116 WAC, "Parking and Traffic Rules of the University of Washington, Seattle," move the administrative oversight of parking enforcement from the University Police Department to the Commuter Services unit within

ATTACHMENT C

the UW Transportation Services department. Along with an extensive reorganization of the rules for the sake of clarity, these changes would consolidate and improve the administration of all parking-related matters within one campus department including: providing more cost effective management of limited parking resources, streamlining the citation and appeal adjudication processes, providing greater alignment of enforcement regulations with the current transportation environment, and making housekeeping changes to update unit names.

The proposed revisions have been reviewed by the Attorney General's Office and endorsed by the University Transportation Committee and the Senior Vice President for Finance and Facilities.

It is my recommendation that the Board of Regents adopt the amendments to Chapter 478-116 WAC.

Audio recordings of both hearings have been deposited with the Secretary of the Board of Regents.

Sincerely yours,

Carol S. Niccolls
Special Counsel to the President

cc: Ms. Rebecca Goodwin Deardorff
Ms. Joan Goldblatt
Mr. Joshua Kavanagh
Mr. Charles Kennedy
Ms. Joanne Matson
Ms. Stephanie Parkins
Ms. Jessica Russell
Mr. Clark Shores
Ms. V'ella Warren
Mr. Quentin Yerxa



OFFICE OF THE EXECUTIVE VICE PRESIDENT

COPY

MEMORANDUM

August 31, 2007

TO: Vicky M. Stormo, Chief, University Policy Department
Joshua N. Kavanagh, Director, Transportation Services
Brian Ho, Parking Enforcement Manager

CC: Charles Kennedy, Associate Vice President, Facilities Services

FROM: Eric S. Godfrey, Vice Provost, Student Life
Weldon E. Ihrig, Executive Vice President, Office
of the Executive Vice President

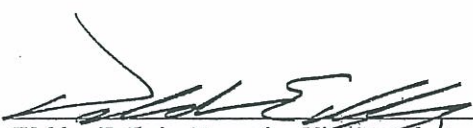
SUBJECT: Parking Enforcement—Administrative Reorganization
and Dual-Reporting

To improve the administration of parking-related matters, it has been decided that Parking Enforcement, a unit of the University Police Department (“UW Police”), should be transferred to Transportation Services, a department within Facilities Services. Transportation Services currently oversees Parking Services, which is responsible for issuance of parking permits and overall management of the University’s limited parking resources. Transferring Parking Enforcement to Transportation Services will thus place Parking Enforcement and Parking Services under the same administrative oversight. The transfer of Parking Enforcement from UW Police to Transportation Services shall be effective as of September 10, 2007. Following this transfer, Parking Enforcement shall report to the Director of Transportation Services *for all purposes*.

Enforcement of the University’s parking and traffic rules under WAC 478-116 to 118 (“Parking Rules”) is, in some instances, delegated to UW Police. *See, e.g.*, WAC 478-116-301(1) (“The university police department may issue a citation for a violation of these rules.”). In light of such regulations, a concern has been expressed regarding Parking Enforcement’s authority to enforce the Parking Rules following its transfer to Transportation Services.

Accordingly, solely with respect to Parking Enforcement’s *authority* under the Parking Rules to issue citations, hear citation petitions, impose fines, and take other actions required or permitted under the Parking Rules—and only with respect to such authority—Parking Enforcement will continue to report to the Chief of UW Police. This limited reporting responsibility, however, shall be *in addition* to Parking Enforcement’s responsibility to report to Transportation Services. That is, as stated above, Parking Enforcement shall report to Transportation Services for all purposes and, in addition, solely with respect to Parking Enforcement’s authority under the Parking Rules, Parking Enforcement shall report to UW Police.


Eric S. Godfrey, Vice Provost
Student Life


Weldon E. Ihrig, Executive Vice President
Office of the Executive Vice President