



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Central Washington University

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: August 27, 2002

(2) Purpose: Amend parking and traffic regulations and monetary penalty schedule to reflect procedural changes and provide a greater deterrent to parking infractions. Amend two sections defining the use of skateboards on campus to allow alternative transportation within defined guidelines.

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 106-116-103, 201, 208, 304, 305, 308, 514, 601, 603, 701, 856, and 859
 Suspended:

(4) Statutory authority for adoption: RCW 28B.10.528 and RCW 28B.35.120 (12)

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-15-116 on July 18, 2002 (date).
 Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

David L. Soltz

Signature

Title
 Provost, Senior Vice President for
 Academic Affairs

Date
 August 27, 2002

CODE REVISER USE ONLY

AUG 30 2002

1:12

02-18-077

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with: none

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity: none

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative: 10

New	_____	Amended	<u>10</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures: 2

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted using: none

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

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PRESIDENTS OFFICE
CENTRAL WASHINGTON UNIVERSITY

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-103 Additional or replacement vehicles. If you have a current CWU parking permit and obtain an additional or different motor vehicle, you must register that vehicle with ~~((the auxiliary services))~~ parking ~~((office, Barge Hall))~~ services.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-201 Permitted parking areas. University-owned parking areas are posted with permitting requirements. Permit requirements will be enforced Monday through Friday, 7:30 a.m. to 4:30 p.m., unless otherwise posted. No parking is permitted from ~~((4:00))~~ 2:00 a.m. to 6:00 a.m. where posted.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-208 Fire lanes and service drives. Parking is not allowed at any time in the service drives or fire lanes of any campus building. Fire lanes and service drives may be used by service and emergency vehicles. After the required load/unload permit has been obtained, vendor and student-owned vehicles may use the service drives to load or unload items. These permits are available at the public safety and police services department or the parking kiosk.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-304 Disability parking permit. Any university employee, student, or visitor who can show physical disability may apply at ~~((the student affairs ADA office))~~ disability support

services for a disability parking permit. Certification by a physician may be required. Disability permits issued by the state of Washington in all forms and disability permits issued by other state agencies or institutions shall be honored. Additionally, a CWU parking permit or daily permit is necessary in parking lots normally requiring permits.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-305 General permits. (1) Daily parking permits are available from the automatic ticket dispensers and cashier's office. These permits must be displayed in clear view on the dash of the vehicle or as instructed on the permit, readable from outside the vehicle.

(2) Thirty-minute "load/unload permits" are available for loading and unloading. Load/unload permits are available to vendors conducting business on campus, service vehicles, and student vehicles. Load/unload permits are available at the public safety and police services department and the parking kiosk.

(3) No permits are available for inoperative or disabled vehicles. Public safety and police services should be contacted if your vehicle becomes disabled in a university-owned parking lot.

(4) Quarterly, academic year, and calendar year permits are available to faculty, staff, students, and alumni through the cashiers' office.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-308 Replacement of parking permit. Lost or stolen parking permits must be reported to the public safety and police services department. Upon verification, the permit may be replaced for a (~~(\$5.00)~~) \$10.00 processing fee.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-514 Election to forfeit or contest. The notice of infraction issued pursuant to WAC 106-116-513 of these

regulations shall inform the alleged violator that he/she may elect either to forfeit the monetary penalty to the infraction(s) charged or to contest the matter(s).

(1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to the cashier's office, Barge Hall. Payment will be in cash, check, certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting (~~the~~) parking (~~office, Barge Hall~~) services, where parking infraction appeal forms are available upon request. The completed form stating the reasons for challenging the validity of the assessed obligation must be filed in the parking office within fifteen days of the date of the infraction notice. The appeal must be reviewed by the university parking appeal board. The parking appeal board will render a decision in good faith.

(3) A person charged with a parking infraction who deems himself or herself aggrieved by the final decision of the university parking appeal board may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the public safety and police services department (~~or the parking office~~). Documents relating to the appeal shall immediately be forwarded to the lower Kittitas County district court which shall have jurisdiction over such offense and such appeal shall be heard de novo.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-601 Traffic regulation signs, markings, barricades, etc. (1) The director of the public safety and police services department (~~and the director of business services and contracts office~~) or designee are authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings, and directions shall be so made and placed as to, in the opinion of the (~~chief~~) director of public safety and police services (~~and the director of business services and contracts~~) or designee, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the (~~chief~~) director of public safety and police services.

WAC 106-116-603 Monetary penalty schedule.

Offense	Penalty
(1) Improper display of permit	((\$5.00)) <u>\$ 15.00</u>
(2) Parking faculty-staff area	((+15.00)) <u>25.00</u>
(3) Parking yellow stripe or curb	((+15.00)) <u>25.00</u>
(4) Parking outside designated parking area	((+15.00)) <u>25.00</u>
(5) Obstructing traffic	((+25.00)) <u>30.00</u>
(6) Parking at improper angle or using more than one stall	((+7.00)) <u>15.00</u>
(7) Violation of the bicycle parking rules in WAC 106-116-901	((+7.00)) <u>15.00</u>
(8) Reserved parking area	((+15.00)) <u>25.00</u>
(9) No parking area	((+15.00)) <u>25.00</u>
(10) Overtime parking	((+10.00)) <u>15.00</u>
(11) Using counterfeit, falsely made, or altered permit	((+100.00)) <u>150.00</u>
(12) Illegal use of permit	((+100.00)) <u>150.00</u>
(13) No current permit	((+12.00)) <u>15.00</u>
(14) Parking service drive	((+15.00)) <u>25.00</u>
(15) Parking/driving sidewalks, malls	((+15.00)) <u>25.00</u>
(16) Parking/driving lawns	((+20.00)) <u>25.00</u>
(17) Parking fire lane	((+25.00)) <u>30.00</u>
(18) Parking fire hydrant	((+25.00)) <u>30.00</u>
(19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	((+12.00)) <u>15.00</u>
(20) Other violations of the objectives of the CWU parking and traffic regulations	((+7.00 to +12.00)) <u>15.00 to 25.00</u>
(21) Parking in a space marked "disabled person permit only"	((by statute)) <u>250.00</u>

Offense	Penalty
(22) Continuous parking	((20.00)) <u>25.00</u>
(23) <u>No parking 2:00 a.m. to 6:00 a.m.</u>	<u>25.00</u>

Parking infraction notices shall qualify for a reduction in monetary penalty if paid to the cashier's office in Barge Hall before close of business on the succeeding work day following issuance of the notice. Parking infraction notices received on the last business day of a week must be paid the first business day of the following week to qualify for a reduction in the monetary penalty. The cashier's office is open Monday through Friday, 8:00 a.m. to 5:00 p.m.

Failure to respond within (~~(fifteen)~~) twenty-eight days will result in (~~(the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that)~~) doubling of the original monetary penalty and a \$2.00 administrative fee. However, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed \$25.00 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks; (~~(and/or)~~)
- (c) Withholding of parking permits; and/or
- (d) Referral to collection agency.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-701 Impounding procedures. (1) Any vehicle parked upon the Central Washington University campus lands in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington and the traffic code of the city of Ellensburg, may be impounded and taken to such place for storage as the (~~(chief)~~) director of public safety and police services selects.

(2) The expense of such impounding and storage shall be charged to the owner or operator of the vehicle and paid prior to the release of the vehicle.

(3) CWU and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and storage.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-856 ((Skateboard)) Alternative transportation regulations. ((Skateboards may not be used on campus.)) The use of bicycles, electric bicycles, skateboards, nonmotorized scooters, electric scooters and in-line skates shall be allowed only as a means of transportation on pedestrian malls, sidewalks, walkways and vehicular traffic ways of CWU. Anyone using a bicycle, electric bicycle, skateboard, nonmotorized scooter, electric scooter or in-line skates on CWU property shall give right of way to any pedestrian and shall travel at a reasonable, safe and prudent speed. Under no circumstance will bicycling, skateboarding or in-line skating be allowed on ramps, curbs, benches, steps or stairs or other such structures. The use of bicycles, electric bicycles, skateboards, nonmotorized scooters, electric scooters or in-line skates shall not be permitted inside any building or within twenty feet of a building entrance or exit. While in use, bicycles, skateboards, scooters and in-line skates shall be operated in a safe, reasonable and prudent manner such as all wheels shall remain on the ground.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-859 Enforcement. ((A skateboard user who refuses to abide by these regulations will be asked to leave the campus. Refusal to obey will subject the person to being cited for trespass under the provisions of chapter 9A.52 RCW.

If the user is a student, the student will be asked to remove the skateboard from use on campus.)) A person refusing to abide by these regulations will be asked to leave the campus. Refusal to leave will subject the person to being cited for trespass under the provisions of RCW 9A.52.070 and/or 9A.52.080, the Revised Code of Washington. If the violator is a student, they will be asked to abide by the regulations. If the student refuses, a proceeding may be initiated under chapter 106-120 WAC, the student judicial code.