



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: **Clark College**

- Permanent Rule
 Emergency Rule

(1) Date of adoption: **August 28, 1991**

(2) Purpose: **To effect corrections/improvements to College's Parking and Traffic Rules and Regulations**

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

Repealed:
Amended: **WAC 132N-156**
Suspended:

(4) Authority for adoption:

Statute: **RCW 28B.50; 28B.10**
Other Authority: **RCW 28B.50.140 (10)**

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 91-15-071 on 7/23/91 (date).

Describe any changes other than editing from proposed to adopted version:

Changes as suggested by AG to improve internal consistency of document.

(5.2) **EMERGENCY RULE ONLY**

Pursuant to 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

Emergency Rules

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

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

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STATE OF WASHINGTON
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OCT 07 1991

TIME: 4:33

WSR: 91-21-022

NAME (TYPE OR PRINT)

Earl P. Johnson

SIGNATURE

Earl P. Johnson

TITLE

PRESIDENT, CLARK COLLEGE

DATE

8/29/91

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-300 PURPOSE. The parking and traffic rules and regulations contained herein provide a fair and uniform method of regulating college vehicular, nonvehicular, and pedestrian traffic and are based on the following objectives:

- To protect and control ((pedestrian-and)) vehicular, nonvehicular, and pedestrian traffic.
- To assure access at all times for emergency equipment.
- To minimize traffic disturbances during class hours.
- To facilitate the work of the college by assuring access for college vehicles and by assigning the limited parking spaces to the most efficient use.

Permission to park or operate a vehicle on college property is governed by these regulations ((or)). The purchase of a permit for designated parking does not ensure the regular availability of a parking space.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-310 AUTHORITY. Pursuant to the authority granted by RCW 28B.50.140(10) the board of trustees of Clark College ((7)) is granted authority to establish rules and regulations for pedestrians and vehicular and nonvehicular traffic over property owned, operated, and maintained by the college.

The enforcement of these parking and traffic rules and regulations shall be the responsibility of the college safety/security department.

College safety/security officers are authorized to issue parking and traffic citations, impound and/or immobilize vehicles, and control and regulate traffic and parking as prescribed in these parking and traffic rules and regulations.

Any person interfering with a college safety/security officer in the discharge of the provisions of these parking and traffic rules and regulations shall be in violation of chapter 9A.76 RCW, Obstructing governmental operation, and may be subject to arrest by a peace officer under RCW 9A.76.020.

Failure to abide by these rules and regulations by students may be considered to be a violation of the code of student conduct (WAC 132N-20-050(4), (5), (9), (10), (11), (14), and (17), as applicable).

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-320 DEFINITIONS. College - Clark College, Community College District No. 14.

College property - Campus property, parking lots, or land owned, leased or controlled by Clark College.

Impoundment - Removal of a vehicle to a storage facility or ((impoundment)) immobilization by use of a wheel-lock device ((to-prevent-removal-of-a-vehicle)).

Pedestrian - Any person afoot, as defined in chapter 46.04 RCW.

Student - Individual currently registered for classes at the college.

Vehicular traffic or vehicles - Those devices defined as "vehicles" in chapter 46.04 RCW.

Nonvehicular modes of transportation - Nonvehicular modes of transportation shall mean nonpedestrian transportation devices other than vehicles and shall include, but not be limited to, bicycles ((and)), skateboards, snowmobiles, roller skates and roller blades, snow sleds, and scooters.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-330 LIABILITY OF CLARK COLLEGE. The college assumes no liability for vehicles parking or traveling on college property, nor shall it be held liable for the loss of goods or property from vehicles parked on college property.

Clark College, the college safety/security department, college safety/security officers, members and employees shall not be held liable for any damages or losses occurring to or from vehicles or equipment when rendering motorist assistance, impounding vehicles, or performing any duties as described in these parking and traffic rules and regulations. This section also applies to nonvehicular modes of transportation.

The college provides only limited maintenance to college parking lots during periods of ice, snow, and rain. Persons using the college parking lots do so at their own risk. The college will not be responsible for any liability or damage claims arising from weather-related causes or conditions.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-400 AUTHORIZED USE OF CAMPUS AVENUES AND PARKING FACILITIES. Only those vehicles as defined and regulated in chapter 46.04 RCW and as defined herein, may be operated in parking lots or in traffic areas and only by licensed drivers as defined in chapter 46.20 RCW. No vehicle or nonvehicular mode of transportation, with the exception of nonmotorized bicycles, handicapped transportation devices, and certain maintenance vehicles, may be operated on intracampus property, pathways, or sidewalks without the specific permission of the college safety/security department.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-420 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey regulatory signs at all times and shall comply with directions given by college safety/security officers in the control and regulation of traffic and parking.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-430 PEDESTRIAN RIGHT OF WAY. The operator of a vehicle shall yield the right of way, slowing down or stopping if need be, to so yield to any pedestrian crossing any street, roadway, fire lane, or pathway with or without a marked crosswalk.

Whenever any vehicle is stopped at a marked crosswalk, unmarked crosswalk, intersection or any other place in order to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass the yielding vehicle.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-440 TRAFFIC ACCIDENTS. Persons involved in traffic accidents on college property are to report the accident to the college safety/security department. An officer will be dispatched to investigate and file a report on the accident. In addition, RCW 46.52.030 requires that accidents on college property involving injury or property damage in excess of ((~~three~~)) five hundred dollars be reported to local law enforcement agencies.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-450 TRAFFIC OFFENSES. College safety/security officers may issue a citation for any of the following traffic offenses. Due to the severe risk to public safety, traffic offenses do not require a previous warning prior to the issuance of a fine.

Failure to yield right of way (posted)

Failure to yield right of way to pedestrian

Failure to yield right of way to vehicle

Failure to yield right of way to emergency vehicle

Driving with excessive speed

Failure to stop at traffic signal/sign

Failure to use due care and caution

Driving without lights after dark

Having a passenger or animal outside of vehicle while in motion

Driving with an obstructed view

Driving on shoulder, or sidewalk or intracampus sidewalk or lane without authorization

Disobeying ((~~flagman~~)) flagger, peace officer, college safety/security officer, or fire fighter.

Damaging college property including but not limited to landscape and plant material, curbs, sidewalks, utilities, etc.

All traffic ((~~citations~~)) offenses carry a twenty-dollar fine.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-460 BICYCLES AND NONVEHICULAR TRANSPORTATION USAGE. Bicycles may be ridden any place where vehicles are permitted. They may also be ridden on campus sidewalks or pathways though pedestrians

always have the right of way. An audible signal shall be used by bicyclists to warn pedestrians of oncoming bicycles. Bicyclists shall not ride in a reckless manner nor engage in stunts or dangerous acts nor operate at speeds greater than ten miles per hour or such lower speed as is reasonable and prudent under the circumstances. With the exception of handicap transportation devices, no other nonvehicular modes of transportation as defined in WAC 132N-156-320 will be allowed on college property (~~(including, but not limited to, skateboards, roller-skates, and snow-sleds)~~).

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-500 ALLOCATION OF PARKING SPACE. The parking spaces available on college properties shall be assigned by the college safety/security department in such a manner as will best obtain the objectives of these regulations. The safety/security department is authorized to mark various parking areas on college property with numbers or titles or by posting signs, curb or pavement markings.

Open parking - Open parking is limited to those parking areas not otherwise marked as faculty/staff, handicapped, special use, or visitor. Student vehicles are not required to display a parking permit. (~~(Open parking areas may be utilized by vehicles displaying a faculty/staff parking permit)~~)

Faculty/staff parking - Only college employee vehicles displaying a valid parking permit may park in faculty/staff parking zones. Faculty/staff parking zones shall be considered open parking zones after 5:00 p.m. each day that the college is in regular session. Faculty/staff/administrators using college parking facilities up to 5:00 p.m. during the academic year are to purchase parking permits.

Vehicles with an approved faculty/staff parking permit are permitted to park in open parking areas when the designated parking areas are full.

Visitor parking - All visitors, including guests, salespersons, maintenance or service personnel and all other members of the public may park on college property in open parking, in designated special use visitor zones, or as directed by the college safety/security office.

Handicapped parking - Handicapped parking zones may only be occupied by vehicles displaying a valid ~~((handicap))~~ temporary handicapped parking permit issued by the college or a valid permanent or temporary handicapped permit issued by the state of Washington in compliance with RCW 46.16.381 and 46.16.390. ~~((Handicap))~~ Temporary handicapped parking permits are available in the college's wellness resource center. Valid handicapped parking permits issued by other states will be honored.

Motorcycle parking - Motorcycle parking zones ~~((shall be))~~ are reserved for motorcycles and motor-driven cycles. These vehicles are not to occupy regular automobile parking spaces.

Service vehicle parking - Service vehicle parking zones are limited to use by authorized college service vehicles.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-530 IMPOUNDING OF DISABLED/ABANDONED VEHICLES. No disabled or inoperative vehicle shall be parked on college property for a period in excess of twenty-four hours unless permission is arranged with the college safety/security department. Vehicles which

have been parked for periods in excess of twenty-four hours may be impounded and stored at the expense of either or both the owner or operator thereof. Notice of intent to impound will be posted on the vehicle at least twenty-four hours prior to impound. Neither the college nor college employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

Vehicles under repair in the college's instructional program must be in a designated area and must have an approved "vehicle in repair" notice posted within the vehicle.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-550 ILLEGAL PARKING. No person shall stop, stand, or park a vehicle at any place where official signs, curb, or pavement markings prohibit parking, nor within fifteen feet of a fire hydrant or ten feet of any building, nor at any place for which the vehicle does not have a valid parking permit. Any vehicle not parked in a marked parking stall shall be considered illegally parked.

The driver of any vehicle who is instructed by a college safety/security officer to either move an illegally parked vehicle or not to park in violation of this section, and refuses, will have their vehicle immediately impounded or immobilized.

~~((College security officers may issue a warning citation for any of the following parking violations if a registration check shows that the vehicle has not previously been cited for any violation of these parking and traffic rules and regulations:~~

- ~~* Parking permit not displayed while parking in a designated parking area.~~
- ~~* Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours.))~~

College safety/security officers may issue a citation resulting in a fine even if the vehicle has not received a previous warning citation for any violation of the parking and traffic rules and regulations or is found in the commission of any of the following parking violations:

- Parking in a faculty/staff parking zone without a valid permit.
- Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours.

- Occupying more than one space.
- Parking in a space not designated for parking.
- Parking in an area not authorized.
- Blocking traffic.
- Parking within fifteen feet of a fire hydrant.
- Parking in a fire lane, sidewalk, or intracampus avenue.
- Parking in a "No Parking" zone.
- Parking on the grass.

• Overnight parking without permission and/or permit.

• Illegal parking of a bicycle.

• Parking in ((M))handicapped((M)) parking zone without ((a)) an authorized handicapped parking permit.

All parking citations carry a ten-dollar fine with the exception of ((M))handicapped((M)) parking violations which carry a twenty-dollar fine.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-560 HAZARDOUS ILLEGAL PARKING. No person shall stop, stand, or park a vehicle so as to obstruct traffic along or upon any street, firelane, or sidewalk nor at any location as described in RCW 46.61.570. Due to the severe risk to public safety created by any vehicle parking in violation of this section, college safety/security officers are authorized to cite and immediately impound said vehicle. College safety/security officers will complete a vehicle impound report including the reason for the ((impound)) impoundment.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-570 BICYCLE PARKING. Bicycles shall be parked in bicycle racks or other facilities provided for the purpose. Where such facilities are provided, at no time shall a bicycle be parked in a building, against a building, near a building exit, on a path or sidewalk, nor chained or otherwise secured to trees, lamp standards, or sign posts. Any bicycle found in violation of this section may be cited for illegal parking and impounded by the college safety/security department without warning.

NEW SECTION

WAC 132N-156-580 DAMAGE TO STATE PROPERTY. The cost of repair/replacement of college property damaged by negligent operations or as the result of indiscriminate acts must be paid in addition to assessed fines.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-610 PERMIT PARKING ON CAMPUS. A valid parking permit is:

- * A current vehicle permit properly displayed in accordance with permit instructions.
- * A temporary parking permit authorized by the college safety/security department and displayed in accordance with the instructions shown on the permit.

Parking permits are not transferable and shall not be utilized by any person except the employee purchasing said permit. The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions of these parking policies or other written rules or regulations of the college. All outstanding college parking fines must be paid before a parking permit will be issued or renewed.

- * No bailment is created by the sale or issuance of a permit.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-620 FEES FOR PARKING PERMITS. The fees charged by the college for the issuance of permits shall be those established under the authority of the board of trustees of the college. Parking permits are issued as a license to park on college property.

Fees collected will be utilized for parking operations only, including parking enforcement and parking lot maintenance.

Current faculty/staff parking permit fees are five dollars per school quarter for one vehicle and six dollars per school quarter for two or more vehicles. Permits may be purchased on either ((an)) a permanent, annual, or quarterly basis. Permits are required for fall, winter, and spring quarters only and will not be required summer quarter.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-630 PARKING FEE PAYMENT. Faculty and staff can purchase annual permits by cash or check directly to the college or by payroll deduction. Annual contracted faculty and staff members may select the payroll deduction plan for payment of the permanent or annual permit only. Those selecting this payment plan must complete a payroll deduction authorization form before issuance of a permit. The form is available in the safety/security office.

Annual or quarterly parking permits may be purchased at either the college bookstore or at the cashier's office in the Baird Administration Building.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-640 TEMPORARY PARKING PERMITS. Any permit holder may obtain a temporary parking permit from the college safety/security department for an unregistered vehicle when the registered vehicle is unavailable due to repairs or for another valid reason. These permits are good for a period of two weeks.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-650 REVOCATIONS. Parking permits are licenses and the property of the college and may be recalled for any of the following reasons:

- When the purpose for which the permit was issued changes or no longer exists.
- When a permit is used on an unregistered vehicle or by an unauthorized individual.
- Falsification on a parking permit application form.
- Continued violations of these parking regulations.
- Counterfeiting or altering of parking permits.
- Failure to comply with a decision of the safety/security supervisor.

Appeals of parking permit revocations may be made to the dean of administrative services. Appeals must be filed within seven days of the date of notice of revocation. The decision of the dean is final.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-700 POLICY ENFORCEMENT. The board of trustees of the college, or designee, shall set and approve fair and uniform fines for violations of these rules and shall provide adequate means for the enforcement and/or collection of such a fine policy. If a violation of the parking and traffic rules and regulations is committed, the college safety/security department is authorized to issue a citation (~~(either warning or monetary)~~) as prescribed by WAC 132N-156-450, 132N-156-550, and 132N-156-560. (~~(Any second violation of any parking and traffic rules and regulations will result in a citation.)~~)

Any violation occurring after the second citation may result in the violator's vehicle being impounded or immobilized and held until all outstanding citations have been paid and/or the loss of parking privileges on college property.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-730 APPEALS. (~~(Persons)~~) Visitors, students, faculty, and staff who receive citations for violations of the parking and traffic rules and regulations may appeal to the safety/security supervisor. Upon showing good cause or mitigating circumstances, the safety/security supervisor is authorized to dismiss, suspend, impose any lesser fine, and/or grant an extension of time within which to comply with the determination of the fine.

If the situation is not resolved satisfactorily, (~~(an)~~) visitors, students, faculty, and staff may appeal in writing (~~(may be made)~~) to the dean of administrative services. Appeals must be submitted and received without posting of fine within fifteen days after the date of the citation. The security/parking advisory committee shall consider each appeal on its merits and shall make written notification of each decision of the committee through the dean of administrative services to the appellant and the college safety/security department.

The final decision on an appeal of a citation for violations of these parking and traffic rules and regulations is by the security/parking advisory committee.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-740 SECURITY/PARKING ADVISORY COMMITTEE. The security/parking advisory committee is responsible for advising the college safety/security department on security and parking operations. Examples of committee activity include:

- * Reviewing parking regulations and fees and recommending their adoption.
- * Considering appeals of citations for violations of these parking and traffic rules and regulations, and making written notification

of each decision of the committee to the appellant and the safety/ security department.

- Reviewing and recommending suggested changes to parking lot configuration and use to improve quality and quantity of parking on campus.

- Reviewing provisions for security on campus and recommending practices and procedures for the enhancement of security.

The security/parking advisory committee meets as needed when the college is in session. The security/parking advisory committee consists of the dean of administrative services (chair), the safety/ security supervisor, two faculty, two classified employees, and one student member.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-750 UNPAID FINES. If any fine remains unpaid after fifteen days, any of the following actions may be taken by the college safety/ security department.

- A hold may be placed on transcripts.
- A delay of registration for the following quarter.
- Revocation of parking privileges.
- Fines due and payable will be withheld from paychecks of all college employees including faculty, staff, and students.
- All fines outstanding may be turned over to a collection agency.

If a violator has two or more unpaid fines, his/her vehicle will be impounded or immobilized and held until all outstanding fines are paid.

These procedures will be applicable to all students, faculty, and staff or other persons utilizing college facilities receiving fines for violations of these parking and traffic rules and regulations.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 9/18/87)

WAC 132N-156-760 SPECIAL CIRCUMSTANCES. During special occasions causing additional heavy traffic and during emergencies, the college safety/ security department is authorized to impose additional traffic and parking regulations and instructions in order to lessen the chance of personal injury or property damage. Whenever possible, prior notice of these regulations or restriction changes shall be made known and posted. This authorization is of a temporary nature and should last only as long as the situation continues.