

WSR 21-11-058

PERMANENT RULES

UNIVERSITY OF WASHINGTON

[Filed May 14, 2021, 9:29 a.m., effective June 14, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose is to make permanent the proposal to add and update definitions and information for future transportation needs and inclusivity. Some of the changes also allow for improved regulation of shared micromobility companies, both existing and possible future developments.

Citation of Rules Affected by this Order: New WAC 478-116-202; and amending WAC 478-116-024 (9) and (16)-(45), 478-116-199, 478-116-221, and 478-116-232.

Statutory Authority for Adoption: RCW 28B.10.560 and [28B.]20.130.

Adopted under notice filed as WSR 21-07-136 on March 23, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 13, 2021.

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OTS-2934.1

AMENDATORY SECTION (Amending WSR 19-11-046, filed 5/10/19, effective 6/10/19)

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) **Automatic license plate recognition.** (Also referred to as ALPR.) A system which automatically captures an image of a vehicle's license plate to assist in streamlined enforcement of parking by authorized agents.

(3) **Automatic vehicle identification.** (Also referred to as AVI.) A system to support vehicle access control and vehicle identification.

(4) **Bicycle.** A device with two or three wheels, a saddle, fully operative pedals propelled solely by human power.

(5) **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.

(6) **Disability parking.** See "persons with disability."

(7) **Disability zone/area.** A parking zone designated for exclusive use by persons with a disability and identified with a sign bearing the associated international symbol.

(8) **Electric-assisted bicycle (class 1, 2, and 3).** A bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than seven hundred fifty watts. The electric-assisted bicycle must meet the requirements of one of the following three classifications:

(a) Class 1: The motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;

(b) Class 2: The motor may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or

(c) Class 3: The motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour and is equipped with a speedometer.

(9) **Electric scooter.** A stand-up or seated motor vehicle consisting of a footboard mounted on two wheels and a long steering handle, propelled by an electric motor.

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

(11) **Fine.** The charge associated with a parking citation.

(12) **Immobilization.** The attachment of a device to a parked car, motorcycle, bicycle, electric-assisted bicycle, motor scooter, or electric scooter so that the vehicle cannot be moved.

(13) **Impoundment.** The removal of the vehicle, bicycle, electric-assisted bicycle, or electric scooter to a storage facility either by an authorized agent of transportation services or UWPD.

(14) **Load zone.** A stall or area signed for loading and unloading purposes, adjacent to a facility or loading dock, or in a parking area or lot.

(15) **Meter.** See "parking meter."

(16) **Micromobility device.** A compact device designed for personal mobility which is not considered a vehicle per RCW 46.04.670 including, but not limited to, roller skates, scooters, and skateboards. This term does not describe electric personal assistive mobility devices, such as electric wheelchairs or other medical mobility devices.

(17) **Mobile payment.** Payment service performed from or via a mobile device.

~~((17))~~ (18) **Motorcycle.** Motor vehicle 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.

~~((18))~~ (19) **Motorized micromobility device.** A device fitting the description of a micromobility device that is powered by a motor.

(20) **Motor scooter.** A light two-wheeled or three-wheeled open motor vehicle with a step-through frame on which the driver sits over an enclosed engine with legs together and feet resting on a floorboard.

~~((19))~~ (21) **Motor vehicle.** An automobile, truck, motorcycle, motor scooter, or electric-assisted bicycle that is assisted by an en-

gine or other mechanism, or a 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.

~~((20))~~ (22) **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.

~~((21))~~ (23) **No parking zone/area.** Any area not specifically marked and/or signed and designed for parking.

~~((22))~~ (24) **Operator or driver.** Every person who drives or is in actual physical control of a motor vehicle or nonmotorized vehicle.

~~((23))~~ (25) **Overtime parking.** The occupation by a vehicle of a time-limited space beyond the posted time limit or time provided on a permit issuance system including, but not limited to, a permit, parking meter, mobile device, or permit-issuance machine.

~~((24))~~ (26) **Park/parking.** Refers to the placement or standing of a motorized vehicle or a nonmotorized vehicle, with or without a driver in attendance, and with or without the engine running.

~~((25))~~ (27) **Parking citation.** The notice of a parking violation.

~~((26))~~ (28) **Parking credential.** See parking product.

~~((27))~~ (29) **Parking meter.** (Also referred to as a meter.) A single fixed device that registers and collects payment for a specified length of time for a vehicle to occupy a single parking space. A parking meter does not produce a receipt. A parking meter is not a permit-issuance machine.

~~((28))~~ (30) **Parking product.** A product issued by transportation services to manage motorized and nonmotorized access to university parking. Parking products include, but are not limited to, permits, virtual permits, access to bicycle lockers and other bicycle parking facilities, and parking access cards.

~~((29))~~ (31) **Parking space.** A space for parking one motor vehicle designated by lines painted on either side of the space, and/or a wheel stop positioned in the front of the space, and/or a sign or signs, or other markings.

~~((30))~~ (32) **Parking system.** A parking management system that includes parking related products and technologies. This includes, but is not limited to, web-based and online technologies to purchase virtual products, enforce parking permits, issue parking citations, and the administration of parking citation payments and appeals.

~~((31))~~ (33) **Permit.** A document approved by and/or issued by transportation services that when properly displayed authorizes a person to park.

~~((32))~~ (34) **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 parking meter.

~~((33))~~ (35) **Persons with disability.** For the purposes of this chapter, persons with disability refers to a person who meets one or more of the criteria of RCW 46.19.010(1) for the issuance of a state disability permit. A vehicle displaying a validly issued state department of transportation disability placard or a valid disability parking permit initiated through the University of Washington disability office shall be permitted to park in designated disability parking spaces, subject to payment of all applicable parking fees.

~~((34))~~ (36) **Registered owner.** The person who has the lawful right of possession of a vehicle most recently recorded with any state department of licensing.

~~((35))~~ (37) Roller skate/in-line skate. A device used to attach wheels to the foot or feet of a person.

~~((36))~~ (38) Scooter. A ~~((nonmotorized))~~ vehicle consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground.

~~((37))~~ (39) Skateboard. Any oblong board of whatever composition, with a pair of wheels at each end, which may be ridden by a person.

~~((38))~~ (40) 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.

~~((39))~~ (41) Transportation services. The university department that manages and maintains University of Washington vehicles and shuttles, promotes alternate commute options, manages and maintains parking facilities, issues parking products, issues citations, processes citation appeals, and collects fees and fines.

~~((40))~~ (42) University. The University of Washington, Seattle, and collectively those responsible for its control and operation.

~~((41))~~ (43) UWPD. University of Washington police department.

~~((42))~~ (44) Virtual permit. A permit stored within a permit-issuance machine or permitting system that authorizes a person to park in a designated space. Virtual permits are valid for a space through the date or time recorded in the permit system.

(45) Visitor. A person who is neither an employee nor a student of the university. May also pertain to an employee or student who has not purchased a long-term product.

~~((43) Virtual permit. A permit stored within a permit-issuance machine or permitting system that authorizes a person to park in a designated space. Virtual permits are valid for a space through the date or time recorded in the permit system.))~~

[Statutory Authority: RCW 28B.10.560 and 28B.20.130. WSR 19-11-046, § 478-116-024, filed 5/10/19, effective 6/10/19; WSR 11-13-058, § 478-116-024, filed 6/14/11, effective 8/8/11.]

AMENDATORY SECTION (Amending WSR 19-11-046, filed 5/10/19, effective 6/10/19)

WAC 478-116-199 Bicycle, electric-assisted bicycle and ~~((electric scooter))~~ motorized micromobility device parking. (1) Bicycles, electric-assisted bicycles, and ~~((electric scooters))~~ motorized micromobility devices shall be parked only in ~~((bicycle racks or))~~ designated ~~((bicycle))~~ parking facilities and locations. ~~((Without limiting the generality of the foregoing,))~~ At no time shall a bicycle, electric-assisted bicycle, or ~~((electric scooter))~~ motorized micromobility device be parked:

(a) In a building or residence hall, except where ~~((bicycle storage rooms))~~ designated parking facilities are provided;

(b) ~~((Near a building exit;))~~ Blocking or hindering access to any stairway, ramp, or doorway;

(c) On a path or sidewalk unless attached to a university ~~((bike))~~ designated parking 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))~~ Designated parking facilities in campus areas are ~~((for parking and shall not be used for overnight storage))~~ intended for short-term parking not to exceed five business days, 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 on campus are to be used for bicycle parking and may not be used for overnight storage of a bicycle. Bicycle houses on campus are to be used for bicycle parking and may not be used for overnight storage of a bicycle.))~~

(3) Locks and other accessories may not be left attached to university parking facilities. Locks that are left are assumed to be abandoned and may be removed without warning.

[Statutory Authority: RCW 28B.10.560 and 28B.20.130. WSR 19-11-046, § 478-116-199, filed 5/10/19, effective 6/10/19; WSR 11-13-058, § 478-116-199, filed 6/14/11, effective 8/8/11.]

NEW SECTION

WAC 478-116-202 Micromobility device storage and parking (nonmotorized). (1) Storage of micromobility devices within residence halls is determined by housing and food services.

(2) Micromobility devices that are nonmotorized and cannot be secured to a rack or within a designated parking facility may be taken into buildings so long as they are not:

(a) Blocking or hindering access to any stairway, ramp, or doorway;

(b) Obstructing access or mobility within a building; and

(c) Are stored within close proximity of the owner/operator and can be moved at the request of authorized agents.

(3) Long-term storage and parking of micromobility devices exceeding five business days is not permitted within university facilities.

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AMENDATORY SECTION (Amending WSR 19-11-046, filed 5/10/19, effective 6/10/19)

WAC 478-116-221 Use of motorcycles, motor scooters, electric-assisted bicycles (~~(, and electric scooters)~~). (1) Motorcycles, motor scooters, and class 3 electric-assisted bicycles 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))~~ operated on paths, sidewalks, authorized bicycle or pedestrian areas, or in buildings.

(2) Class 1 and 2 electric-assisted bicycles are subject to all of the restrictions set forth in WAC 478-116-232 relating to the use of bicycles and micromobility devices.

~~((3) Electric scooters are permitted on campus paths where bicycles are permitted to travel with the exception of sidewalks, unless~~

~~there is no alternative for an electric scooter to travel over a sidewalk as part of a bicycle or pedestrian path. It shall be a violation of this section for any electric scooter rider to fail to yield to pedestrians or to ride an electric scooter on paths, sidewalks, or streets where signs indicate it is prohibited. An audible signal or warning must be given by the electric scooter rider whenever there is any appreciable risk of injury to a pedestrian not otherwise aware of the presence of the electric scooter.~~

~~(4) Class 1 and 2 electric-assisted bicycles and electric scooters operated on paths, sidewalks, and roadways shall be subject to all relevant state statutes regulating class 1 and 2 bicycle and electric scooter use. Violation of those statutes shall be considered a violation of this section.)~~

[Statutory Authority: RCW 28B.10.560 and 28B.20.130. WSR 19-11-046, § 478-116-221, filed 5/10/19, effective 6/10/19; WSR 11-13-058, § 478-116-221, filed 6/14/11, effective 8/8/11; WSR 97-14-005, § 478-116-221, filed 6/19/97, effective 9/15/97.]

AMENDATORY SECTION (Amending WSR 11-13-058, filed 6/14/11, effective 8/8/11)

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

~~(2)) Bicycles and motorized and nonmotorized micromobility devices 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))~~ device operator to fail to yield to pedestrians, or to ride ~~((a bicycle))~~ on paths, sidewalks, or streets where ~~((signs indicate it is))~~ it is indicated as prohibited (i.e., signs, in-app technology, on-site measures). Pedestrians always have the right of way. An audible signal or warning must be given by the ~~((bicyclist))~~ operator whenever there is any appreciable risk of injury to a pedestrian not otherwise aware of the presence of the ~~((bicycle))~~ device.~~

~~((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))~~ (2) All devices shall be operated in a controlled and 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))~~ (3) Any use of devices that poses a risk to other individuals or university property is strictly prohibited. Moving or riding a ~~((bicycle))~~ device into any unauthorized area such as a building ~~((or construction)), restricted access zone, or parking garage~~ is prohibited.

(4) Bicycles and micromobility devices operated on campus shall be subject to all relevant state and local statutes regulating bicycle use. Violation of those statutes shall be considered a violation of this section.

[Statutory Authority: RCW 28B.10.560 and 28B.20.130. WSR 11-13-058, § 478-116-232, filed 6/14/11, effective 8/8/11.]