

WSR 21-13-087

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed June 17, 2021, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-10-034.

Title of Rule and Other Identifying Information: Parking, chapter 174-116 WAC.

Hearing Location(s): On Tuesday, July 27, 2021, at 10:00 a.m., via Zoom <https://evergreen.zoom.us/j/87202155473>. Hearing will be conducted virtually via Zoom due to COVID-19 protocols. Any person interested in providing comments must either attend the virtual session, or provide written comment to Bryce Winkelman at winkelmb@evergreen.edu. Comments must be received prior to the hearing on July 27.

Date of Intended Adoption: July 28, 2021.

Submit Written Comments to: Bryce Winkelman, 2700 Evergreen Parkway N.W., L1125, Olympia, WA 98505, email winkelmb@evergreen.edu, phone 360-867-6385, by July 27, 2021.

Assistance for Persons with Disabilities: Contact access services, The Evergreen State College, phone 360-867-6384, email accessservices@evergreen.edu, by July 19, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The college has moved parking services to a different organizational division and will be implementing parking permits by license plate number versus physical decals and permits. Rules reflect updated processes and procedures that align with the new organizational structure and procedures.

Reasons Supporting Proposal: Code will reflect updated parking services organizational division and the use of license plate reader technology and related software to enhance customer service and enhance efficiencies in parking services operations and user procedures.

Statutory Authority for Adoption: RCW 28B.40.120.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: The Evergreen State College, business services, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Bryce Winkelman, The Evergreen State College, Olympia Campus, 360-867-6385.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

June 14, 2021
Daniel B. Ralph
Rules Coordinator

OTS-3151.1

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-220 Authority. (1) The college through its board of trustees is authorized to establish traffic and parking regulations as stated in RCW 28B.10.560.

(2) The college is authorized to issue permits, as defined in WAC 174-116-240, to park on the campus. All outstanding (~~campus~~) college parking violations must be satisfactorily settled before a quarterly, academic, or annual permit will be issued or renewed.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-220, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-225 Emergencies. The vice president for (~~student affairs,~~) finance and operations or their designee, has the authority to suspend, modify or repeal any or all provisions in this chapter for an authorized college event or in the event of an emergency, disaster or other like contingency. Such action must be limited in duration and scope to meet the institutional needs of the college and/or address the dangers of the contingency.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-225, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-230 Liability of college. The college assumes no liability for motor vehicles or their contents when such motor vehicles are on campus. The college offers parking permits to those desiring to park on campus. A parking permit licenses the holder (licensee) to park one motor vehicle (~~(in the lots designated on the permit)~~) on campus within the respective designated parking area. The college is not responsible for fire, theft, damage, or loss of vehicle or any article left in such vehicle. A parking permit is a license to park and no bailment is created. A "motor vehicle" is defined as a vehicle that is self-propelled; for example cars, trucks, and motorcycles. Motor vehicles include a neighborhood electric vehicle as defined in RCW 46.04.357 and a medium-speed electric vehicle as defined in RCW 46.04.295. Electric personal assistive mobility devices and power wheelchairs are not considered motor vehicles.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-230, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-235 Enforcement. (1) Whenever an unattended vehicle is parked in violation of these regulations, the college may take the registration number and other identifiable information and may affix to such vehicle a parking citation in a conspicuously visible location.

(2) When an attended vehicle is parked in violation of these regulations, and upon request of a (~~designated college official~~) parking enforcement officer or police services officer, the driver may be required to move the vehicle immediately to a designated parking area or off (~~college property~~) campus. Refusal to move the vehicle is a violation of these regulations and may warrant a parking citation.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-235, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-240 Parking permits—General information. (1) Parking permits are issued by the college following application and the payment of the appropriate fees. A permit is defined as an authorization to park in designated areas and issued by the parking services office and associated with a vehicle's license plate number. All privately owned motor vehicles parked or left unattended on (~~college property~~) campus are required to (~~display a currently~~) have a valid Evergreen parking permit during specified days and hours. These hours are posted in each parking area at the entrance to the parking areas, or along the roadways where parking is indicated. The college maintains the authority to sell and require (~~the display of~~) special event parking permits during times and days, including weekends, as established by the college. Vehicles parked on campus are required to (~~display~~) have valid parking permits at all times and days of the week as established by these rules. A complete list of parking permits issued by the college is available in the parking services office and on the (~~college~~) college's parking services website.

(2) Fees for parking and the effective date thereof, will be approved by the president of the college. (~~Prior to approval by the president, the college will, after notice, hold a hearing on the proposed fee schedule. The hearing will be open to the public, and will be presided over by a presiding officer designated by the president. The presiding officer will prepare a memorandum for consideration by the president, summarizing the contents of the presentations made at the hearing.~~) Approved fee schedules will be available in the public area of the parking services office and on the college's parking services website.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-240, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-241 Parking permits—Special exceptions. All persons parking vehicles on campus will park in an available space as established by the college parking regulations and will pay the established parking fee except as follows:

(1) Vehicles with government tax exempt licenses will be allowed to park without charge.

~~(2) ((Members of the press, television, radio and wire services, on official business, after obtaining a permit from the parking office, may park without charge.~~

~~(3))~~ Taxis and commercial delivery vehicles may enter the campus without payment of the parking fee only for pick-up and delivery of passengers, supplies and equipment.

~~((4))~~ (3) Permanently and temporarily disabled persons may request a disability parking placard from the parking office. Vehicles parked in handicapped-accessible spaces must ~~((display))~~ have a paid parking permit and a state of Washington or college-issued temporary disabled parking placard to be valid.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-241, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-242 Parking permits—Issuance and display. ~~(1) All ((parking permits must be entirely visible and displayed on the vehicle in accordance with the instructions printed on the permit, with permit numbers and relevant dates visible. Vehicles that do not have visible and properly displayed permits may be cited for the violation of improperly displaying a)) vehicles, attended or unattended, must be associated with a valid parking permit. Vehicles that are not associated with a valid permit may be cited for violation of a no paid permit.~~

(2) Ownership of permits is not transferable except when approved by parking services. If a registered vehicle is sold, ~~the ((permit must be removed and returned to parking services for a replacement or any refund))~~ selling party should notify parking services so the vehicle can be disassociated with the permit holder. The permit holder may associate a different vehicle to the permit upon disassociation of the sold vehicle.

(3) Persons not residing on campus may apply for a ~~((duplicate))~~ second vehicle permit for a second car either personally, family, or employer owned. Proof of ownership or appropriate authorization must be presented prior to issuance of a second permit. Two vehicles ~~((displaying))~~ using the same ~~((numbered))~~ permit may not be parked on campus at the same time unless one is also ~~((displays))~~ associated with a valid daily permit.

(4) Vehicles ~~((displaying))~~ with a valid permit may be parked in any designated campus parking lot authorized by the permit. ~~((Vehicle parking in the modular housing area is restricted to residents and other users authorized by parking services. F lot parking permits are~~

~~valid in B, C, and F lots. Modular housing permits are valid in all of the campus parking lots.))~~

(5) Permit holders may obtain a complimentary temporary daily permit for a vehicle being used as a temporary replacement.

(6) No vehicle may be parked on campus for the purpose of using such vehicle as a living unit. Any exception must be approved by the director of police services or their designee.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-242, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-243 Parking permits—Validity and revocation. (1) Parking permits will be valid from the date of purchase through the expiration date and/or time stated on the permit or expiration of time purchased from short term parking pay station, coin-operated parking meter, or mobile parking payment application.

(2) Parking permits are licenses and remain the property of the college. Parking permits may be revoked for any of the following reasons:

(a) When the purpose for which the permit was issued changes or no longer exists.

(b) When a permit is used in an unauthorized manner.

(c) Falsification of a second car parking permit application.

~~((d) Counterfeiting or altering a permit.))~~

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-243, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-250 Responsibility and presumption in reference to illegal parking. (1) The registered owner or permit holder will be responsible for all parking violations involving the vehicle (~~on which the permit is displayed~~).

(2) In any review, appeal or hearing alleging the violation of any parking regulation, proof of the following will create a presumption that the registered owner or permit holder was the person who parked or placed the vehicle in the location where the violation occurred:

(a) Proof that the vehicle described was stopped, standing or parked in violation of a regulation; and

(b) Proof that the person named in the citation was the registered owner or permit holder of the vehicle when the citation was issued.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-250, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-255 Designated and assigned parking areas. (1) The motor vehicle laws of the state of Washington and these rules will be applicable at all times in areas covered under the scope of this policy including all college-owned property.

(2) No vehicle may be parked on the campus except in those areas set aside and designated as parking areas.

(3) No vehicle may be parked in any parking area without a valid, current permit for that area issued by parking services.

(4) Vehicles may park only within marked spaces provided in each parking lot.

(5) Metered parking spaces require appropriate payment in the corresponding parking meter for valid parking, regardless of any ~~((passes or))~~ permits ~~((displayed on))~~ associated with the vehicle.

(6) Vehicles parked in electric vehicle charging spaces are required to ~~((display))~~ have a valid parking permit ~~((r))~~ and must be actively charging as indicated by the charging station.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-255, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-262 Impounding and immobilization of vehicles. (1) The expense of such impounding and storage will rest solely on the owner or permit holder of the vehicle. Neither the college nor its employees will be liable for loss or damage of any kind resulting from impounding and/or storage services provided by a private vendor.

(2) Any vehicle parked upon property of the college in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington, with at least three unpaid citations, with the oldest being at least thirty days old, may be either immobilized or impounded and removed for storage.

(3) Notice of intent to impound will be posted on the vehicle twenty-four hours prior to impound.

(4) If the vehicle is parked in a metered or timed space, notice of intent to impound will be posted on the vehicle for four hours prior to impound.

(5) Any vehicle that blocks, hinders, or obstructs a legally parked vehicle, crosswalk, sidewalk, disability access area, service drive, or loading zone may be cited, and after the college has made a reasonable attempt to contact the owner, the vehicle may be impounded immediately.

(6) Immobilization is defined as impounding the vehicle in place through the installation of a wheel boot, which is a device designed to prevent vehicles from being moved. It consists of a clamp that surrounds a vehicle wheel, and designed to prevent removal of both itself and the wheel. Immobilization may also be defined as impounding the vehicle in place through the use of a windshield covering device that uses powerful suction cups to adhere to the windshield and is designed to prevent unauthorized removal as well as preventing a clear view through the windshield prohibiting lawful driving of the vehicle. Re-

lease from in-place immobilization is contingent on payment of all outstanding fines and charges.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-262, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-266 Disabled or inoperative vehicle. No disabled or inoperative vehicle will be parked on the campus for a period in excess of seventy-two hours without approval of parking services. Vehicles which have been parked for periods in excess of seventy-two hours and which appear to be disabled or inoperative may be impounded and stored at the expense of the registered owner. It is the responsibility of the owner or permit holder of a disabled vehicle to notify police or parking services of the vehicle's location and estimated time of removal or repair. A valid parking permit (~~or pass~~) must be (~~displayed on~~) associated to the disabled vehicle while it is parked on campus.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-266, filed 1/3/17, effective 2/3/17.]

AMENDATORY SECTION (Amending WSR 17-02-076, filed 1/3/17, effective 2/3/17)

WAC 174-116-280 Citations, late fees and fines. (1) Payment.

(a) Persons cited for violation of these regulations are required to pay a fine within ten days of the date of issuance of the citation. All parking fines and fees are due upon issuance. Thirty days after the issuance of the citation, a late fee will be added to the unpaid parking fine. For example, a parking citation issued on May 1st would be assessed a late fee on May 31st.

(b) All fines are payable (~~at the cashier's office or other designated locations on campus. Fines may be paid in person or by telephone during normal business hours or by mail or online~~) via the parking services website or in person at the parking services office during normal business hours or other designated locations on campus. The notice of citation, citation number or vehicle license plate number must accompany any fine payment.

(2) Types of citations:

- (a) No valid permit;
- (b) Overtime parking;
- (c) Improper position;
- (d) Parking in a restricted space;
- (e) Disabled zone;
- (f) Parked at painted curb;
- (g) Prohibited zone;
- (h) Obstructing traffic;
- (i) Parking in bus zone;
- (j) Fire lane;
- (k) Parked on grass;

- (l) Altered permit;
- (m) Nondesignated parking space;
- (n) Expired meter; (~~and~~)
- (o) Wheel-lock; and
- (p) Expired hourly parking.

(3) Fine amounts:

(a) When a citation is issued, fines are determined in accordance with a fine schedule. The fine schedule and the effective date thereof is approved by the vice president for (~~student affairs~~) finance and operations or their designee, and available in the parking services office and on the (~~college~~) college's parking services website.

(b) Adjustments: When mitigating circumstances exist, the vice president for (~~student affairs~~) finance and operations or their designee may reduce or dismiss fines.

(4) Unpaid fines. If any fine remains unpaid after sixty days from the date of the notice of citation, the account may be referred for collection and subject to the college policy for accounts receivable collection process.

(5) Appeals: Citations may be appealed by submitting a written appeal to parking services within ten calendar days of the date the citation was issued. Appeals must be submitted to parking services (~~in person, mail, or using the college~~) via the citation appeal link on the parking services website. If a timely appeal is not filed, the citation becomes final. Appeals (~~will be reviewed by a board consisting of voting members from the following groups: Students, classified staff, faculty, and exempt staff. A parking services representative will act as a consultant to the board and will vote only to break a tie. The board may uphold or dismiss the citation. If the board upholds the citation, it may reduce the fine amount. In no event may the board impose a fine exceeding the amount set forth in the fine schedule. Within ten calendar days following the board's review, parking services will notify the appellant, by mail or by email, of the board's determination~~) decisions may dismiss, uphold the fine, reduce the fine amount if upheld, or turn the citation to a warning without a fine. Within ten calendar days following the appeal being reviewed, parking services will notify the appellant of the appeal decision. The appellant may request a second level review of the citation appeal within ten days notice of the initial appeal decision. The second level review will be conducted by the conference and parking services manager. The appellant must pay all fines before the secondary appeal will be reviewed. The citation may be dismissed, upheld, upheld with reduction in fines, or converted to a warning with no fines. If the secondary appeal decision results in citation dismissal or reduction in fines, a refund will be issued to the appellant in the amount paid. Additional appeal rights are governed by RCW 28B.10.560.

[Statutory Authority: RCW 28B.40.120. WSR 17-02-076, § 174-116-280, filed 1/3/17, effective 2/3/17.]