ORDINANCE NO. 89

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING ORDINANCE NO. 16, THE CITY'S INTERIM ROADS AND BRIDGES CODE, AND REPEALING ANY AMENDMENTS WHICH HAVE BEEN AUTOMATICALLY ADOPTED SINCE THE DATE OF INITIAL ADOPTION

WHEREAS, City of Shoreline Ordinance No. 16 adopted by reference Title 14 of the King County Code as the City's Interim Roads and Bridges Code; and

WHEREAS, Ordinance No. 16 currently contains language which operates to automatically adopt amendments to Title 14 made by King County; and

WHEREAS, the City has found that there is no manageable method to monitor amendments made to Title 14 by King County and, therefore, City staff and the public may be unaware of amendments which have automatically occurred to Ordinance No. 16; and

WHEREAS, the City desires to maintain clarity in its ordinances and prevent possible confusion regarding City regulations; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON , DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Ordinance No. 16. Section 1 of City Ordinance No. 16 is hereby amended to read as follows:

Authority to Adopt Interim Roads and Bridges Code.

Pursuant to RCW 35.21.180, 35A.11.020, and 35A.21.160, the City adopts by reference Title 14, Roads and Bridges, of the King County Code (Exhibit A, hereto), as presently constituted ((~~or hereinafter amended,~~)) as the Interim Roads and Bridges Code. Exhibit A is hereby incorporated by reference as if fully set forth herein.

Section 2. Repeal of Amendments. Any amendments to King County Title 14 which have occurred since the date Ordinance No. 16 was adopted by the City are hereby repealed.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or

preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON JUNE 24, 1996.

Connie King
Mayor Connie King

ATTEST:

Sharon Mattioli
Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Janet E. Garrow
Janet E. Garrow
Interim City Attorney

Date of Publication: June 27, 1996
Effective Date: July 2, 1996

Exhibit A
Ordinance No. 89
Title 14
King County Code

Title 14
ROADS AND BRIDGES[1]

Chapters:

14.04 Official Road System
14.12 Load Restrictions on Roads
14.16 Load Limits on Bridges
14.20 Standard Specifications for Road and Bridge Construction
14.24 Road Construction Rules Adopted
14.28 Rights-of-way
14.30 Permit System for County property
14.32 Installation of Public Benches
14.38 Road Closure by Petition.
14.40 Road Vacation
14.42 King County Road Standards
14.44 Utilities on County Rights-of-way
14.46 Public and Private Utilities on King County Real Property
14.48 Snow Emergency Routes
14.52 Sidewalks, Planting Strips and Street Trees
14.56 Non-Motorized Vehicle Program
14.60 Commute Trip Reduction

[1] [For statutory provisions generally regarding county roads and bridges, see RCW 36.75 - 36.88.]

Chapter 14.04
OFFICIAL ROAD SYSTEM

Sections:

14.04.010 Official road/street system.
14.04.020 Road index maps.
14.04.030 Maps are exhibits.
14.04.040 Roads/streets included.
14.04.050 Revision of street exhibits.
14.04.060 Additions and deletions made by ordinance.
14.04.070 Streets constructed by Highway Department included.
14.04.080 Inclusion of roads which have reverted to county.
14.04.090 Director's annual report.
14.04.100 Inaccuracies corrected.

14.04.010 Official road/street system. The county executive of King County has been advised by the director of public works that the need exists for an official King County road/street system. This system will show, by maps and/or exhibits, the roads/streets for which King County has maintenance responsibility. (Ord. 665 § 1, 1970).

14.04.020 Road index maps. The official King County road/street system will be indicated by the following King County road index maps: Sheets 1, 2, 3, 4; Sheets 2-A, 2-B, 2-C, 2-D, 2-E, 2-F, 2-G, 2-H, 2-J, 2-K, 2-L, 3-A, 3-B, 3-C, 3-D, 3-E, and all area insert sheets used in conjunction with the foregoing. A digital code will be employed to indicate King County maintenance responsibilities. (Ord. 665 § 2, 1970).

14.04.030 Maps are exhibits. The aforementioned maps will also be known as exhibits to be indicated by the sheet designation. Computer sheets contained in a loose-leaf binder shall be used as reference exhibits in conjunction with the map exhibits. These computer sheets must be revised periodically to correspond with revisions made on the map exhibits. (Ord. 665 § 3, 1970).

14.04.040 Roads/streets included. Only those roads/streets which are exclusive of state roads and exclusive of roads and streets within incorporated areas of King County shall be considered part of the King County road/street system. (Ord. 665 § 4, 1970).

14.04.050 Revision of street exhibits. It shall be the responsibility of the director of public works, or his appointed representative to revise the King County road/street exhibits. Revisions shall be made as soon as practicable after any change occurs. The director of public works shall furnish annually a completely revised and current set of exhibits which shall be used for a period of one year as official designator of King County roads/streets. (Ord. 665 § 5, 1970).

14.04.060 Additions and deletions made by ordinance. Authority for additions to; deletions from; or characteristic changes in the roads/streets on the exhibit sheets shall be by ordinance or by statute as set forth in the Revised Code of Washington. (Ord. 665 § 6, 1970).

14.04.070 Streets constructed by highway department included.[1] All roads/streets constructed by the Washington State Department of Highways in conjunction with, and/or adjacent to, an Interstate Highway, State Primary or State Limited Access Highway and used as access, exit, frontage road or service road and covered by a maintenance agreement between the Washington State Department of Highways and King County shall be considered a part of the King County road/street system whether or not the state has relinquished any or all claim. (Ord. 665 § 7, 1970).

14.04.080 Inclusion of roads which have reverted to county. The King County road/street system shall include all roads/streets which have reverted to King County by virtue of prescriptive rights as set forth in RCW 36.75.070 and RCW 36.75.080. (Ord. 665 § 8, 1970).

14.04.090 Director's annual report. The director of public works shall have an annual report prepared of the King County road/street system for study and recommendations. The report shall be submitted by the director on January 2nd or as soon thereafter as possible and practicable. The report must contain all additions and deletions to the road/street system. It must also include all physical changes, mileage in each county division and any other information considered relevant to a concise and comprehensive representation of the King County road/street system. (Ord. 665 § 9, 1970).

14.04.100 Inaccuracies corrected. If any inaccuracies appear on the exhibits in conflict with records on file, the inaccuracies shall be corrected on the exhibits and in no case shall affect the provisions of this chapter or the status of the exhibits as official designators of the official King County road/street system. (Ord. 665 § 10, 1970).

Chapter 14.12
LOAD RESTRICTIONS ON ROADS

Sections:

14.12.010 Road closure policy.
14.12.020 Winter and emergency load restrictions.

14.12.010 Road closure policy.[2] The following policy is approved and adopted, and henceforth all road closure and load limit restrictions will be disseminated in accordance with this policy insofar as it is possible to do so:

A. A list of roads which will remain open and available for school bus use during thawing conditions will be supplied to each and every school district operating on county roads within King County. This will be accomplished during the month of September of each school year.

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1. [For statutory provisions regarding state and county cooperation in highway maintenance, see RCW 46.75.030.]

2. [For statutory provisions regarding road closures, see RCW 47.48; for provisions authorizing the limitation of type or weight of vehicles on county roads or bridges, see RCW 36.75.270.]

B. In the event road closures are required, the school district will be notified prior to one p.m. of the day preceding the road closures on school bus routes, to be effective the following day. If the morning pick-up of children is accomplished, the school district will be permitted to use these routes for the returning of the children to their normal bus stops.

C. School buses will be permitted to turn around at the intersection of a school bus route which is closed, and the open route with the minimum maneuvering possible on the closed road in the intersection area.

D. The county will establish the necessary communications with the school districts to provide the proper notification. The county engineer will initiate road closures and unless specified otherwise, closures shall be county-wide. (Res. 25878, 1963).

14.12.020 Winter and emergency load restrictions. The following emergency restrictions shall be in effect on county roads during such periods of freezing and thawing conditions as determined by the King County road engineer:

REGULAR WINTER LOAD RESTRICTIONS

Conventional		Tubeless or Special with .5 Marking	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00 or over	4500 lbs.	12-24.5 or over	4500 lbs.

EMERGENCY LOAD RESTRICTIONS

Conventional Tires		Tubeless or Special with .5 Marking	
Tire Size	Gross Load Each Tire	Tire Size	Gross Load Each Tire
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00 or over	3000 lbs.	12-22.5 or over	3000 lbs.

A further load restriction of five tons gross on any vehicle may be placed on roads under severe conditions. (Res. 27219, 1964).

Chapter 14.16
LOAD LIMITS ON BRIDGES[1]

Sections:

14.16.010 Gross Weight Allowed and Notification.
14.16.020 Maximum Gross Vehicle Weight.
14.16.030 Alvord "T" Bridge 3130.
14.16.040 Baring Suspension Bridge 509-A.
14.16.045 Cedar Mt. Ramp Bridge 3165-A.
14.16.050 Edgewick Bridge 617-B.
14.16.060 Elliott Bridge 3166.
14.16.070 Flaming Geyser Bridge 3024.
14.16.080 Green River Gorge Bridge 3032.
14.16.085 Harris Creek Bridge 5003.
14.16.090 Interurban Bridge 3160
14.16.092 Kelly Road - Cherry Bridge 5008.
14.16.093 Lake Wilderness Bridge 3092.
14.16.094 Meadowbrook Bridge 1726-A
14.16.100 Miller River Bridge 999-W.
14.16.105 Mt. Si Bridge 2550-A.
14.16.110 Norman Bridge 122-K.
14.16.120 Novelty Hill Bridge 404-B.
14.16.130 Old Kerriston Road Bridge 896-A.
14.16.132 Preston Bridge 682-A.
14.16.140 Smith Parker Bridge 615-A.
14.16.142 South Twin Bridge 3143.
14.16.143 Stossel Bridge 1023-A.
14.16.145 Tokul Creek Bridge 61-G.
14.16.150 Tolt Bridge 1834-A.
14.16.160 Whitney Bridge 3025
14.16.165 York Bridge 225-C.
14.16.170 Enforcement.
14.16.180 Severability.

14.16.010 Gross weight allowed and notification. It is unlawful for any person to operate a vehicle over King County bridges with a gross weight which is greater than the posted maximum weight for that bridge.

Notice of closing of individual bridges to certain classes or weights of vehicles shall be:

A. Published in a local newspaper of general circulation, and

B. Posted on signs at each end of subject bridge, on or prior to the date of publication. All signs shall be erected and maintained in accordance with RCW 36.86.040, RCW 46.61.450 and RCW 47.36.030.

All provisions of this chapter shall be in accordance with Chapters 53 and 189 of the Washington State Session Laws of 1937, RCW 36.75.270 and RCW 46.44.080. (Ord. 5701 § 2, 1981).

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1. [For statutory provisions authorizing load limits on bridges, see RCW 36.75.270 and 46.44.080.]

14.16.020 Maximum gross vehicle weight. Those King County bridges that are posted one legal load are done so pursuant to definitions and standards for maximum gross vehicle weight contained in RCW 46.44, particularly the vehicle weight table of RCW 46.44.041. (Ord. 5701 § 3, 1981).

14.16.030 Alvord "T" Bridge 3130. The use of Bridge 3130 shall be limited to one truck at a time and be prohibited to loads in excess of twenty tons for three axle vehicles, thirty tons for five axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 1, 1993: Ord. 5701 § 4, 1981).

14.16.040 Baring Suspension Bridge 509-A. The use of Bridge 509-A shall be prohibited to loads in excess of three tons until further notice. (Ord. 5701 § 5, 1981).

14.16.045 Cedar Mt. Ramp Bridge 3165-A. The use of Bridge 3165-A shall be prohibited to loads in excess of ten tons until further notice. (Ord. 11095 § 12, 1993).

14.16.050 Edgewick Bridge 617-B. The use of Bridge 617-B shall be limited to one truck at a time and be prohibited to loads in excess of twenty three tons for three axle vehicles until further notice. (Ord. 11095 § 2, 1993: Ord. 5701 § 6, 1981).

14.16.060 Elliott Bridge 3166. The use of Bridge 3166 shall be prohibited to loads in excess of twenty tons until further notice. (Ord. 5701 § 7, 1981).

14.16.070 Flaming Geyser Bridge 3024. Bridge 3024 has been replaced and open to public use requiring no specific load limits and restrictions except as provided in RCW 46.44. (Ord. 11095 § 3, 1993: Ord. 6709 § 1, 1984: Ord. 5701 § 8, 1981).

14.16.080 Green River Gorge Bridge 3032. Bride 3032 has been replaced and open to public use requiring no specific load limits and restrictions except as provided in RCW 46.44. (Ord. 11095 § 4, 1993: Ord. 5701 § 9, 1981).

14.16.085 Harris Creek Bridge 5003. The use of Bridge 5003 shall be prohibited to loads in excess of twenty tons for three axle vehicles, thirty one tons for five axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 20, 1993).

14.16.090 Interurban Bridge 3160. Bridge 3160 has been reconstructed and is transferred to the jurisdiction of the city of Tukwila. (Ord. 11095 §, 1993: Ord. 6709 § 3, 1984).

14.16.092 Kelly Road - Cherry Bridge 5008. The use of Bridge 5008 shall be prohibited to loads in excess of twenty one tons for three axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 21, 1993).

14.16.093 Lake Wilderness Bridge 3092. The use of Bridge 3092 shall be prohibited to loads in excess of fifteen tons for three axle vehicles, twenty three tons for five axle vehicles, and twenty eight tons for six axle vehicles until further notice. (Ord. 11095 § 24, 1993).

14.16.094 Meadowbrook Bridge 1726-A. The use of Bridge 1726-A shall be limited to one truck at a time and be prohibited to loads in excess of sixteen tons for three axle vehicles, twenty six tons for five axle vehicles, and thirty two tons for six axle vehicles until further notice. (Ord. 11095 § 6, 1993: Ord. 6709 § 4, 1984).

14.16.100 Miller River Bridge 999-W. The use of Bridge 999-W shall be limited to one truck at a time and be prohibited to loads in excess of twenty three tons for three axle vehicles until further notice. (Ord. 11095 § 7, 1993: Ord. 5701 § 11, 1981).

14.16.105 Mt. Si Bridge 2550-A. The use of Bridge 2550-A shall be limited to one truck at a time and be prohibited to loads in excess of sixteen tons for three axle vehicles, twenty six tons for five axle vehicles, and thirty two tons for six axle vehicles until further notice. (Ord. 11095 § 17, 1993).

14.16.110 Norman Bridge 122-K. Bridge 122-K has been replaced and open for public use requiring no specific load limits and restrictions except as provided in RCW 46.44. (Ord. 11095 § 8, 1993: Ord. 6709 § 2, 1984: Ord. 5701 § 12, 1981).

14.16.120 Novelty Hill Bridge 404-B. The use of Bridge 404-B shall be limited to one truck at a time and be prohibited to loads in excess of seventeen tons for three axle vehicles, twenty six tons for five axle vehicles, and thirty two tons for six axle vehicles until further notice. (Ord. 11095 § 14, 1993: Ord. 5701 § 13, 1981).

14.16.130 Old Kerriston Road Bridge 896-A. The use of Bridge 896-A shall be prohibited to loads in excess of five tons until replacement bridge is complete and open for public use. (Ord. 11095 § 9, 1993: Ord. 5701 § 14, 1981).

14.16.132 Preston Bridge 682-A. The use of Bridge 682-A shall be prohibited to loads in excess of twenty one tons for three axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 16, 1993).

14.16.140 Smith Parker Bridge 615-A. The use of Bridge 615-A shall be limited to one truck at a time and be prohibited to loads in excess of twenty tons for three axle vehicles, thirty tons for five axle vehicles, and forty tons for six axle vehicles until further notice. (Ord. 11095 § 23, 1993: Ord. 5701 § 15, 1981).

14.16.142 South Twin Bridge 3143. The use of Bridge 3143 shall be prohibited to loads in excess of eighteen tons for three axle vehicles, twenty two tons for five axle vehicles, and twenty five tons for six axle vehicles until further notice. (Ord. 11095 § 19, 1993).

14.16.143 Stossel Bridge 1023-A. The use of Bridge 1023-A shall be limited to one truck at a time and be prohibited to loads in excess of sixteen tons for three axle vehicles, twenty one tons for five axle vehicles, and twenty two tons for six axle vehicles until further notice. (Ord. 11095 § 22, 1993).

14.16.145 Tokul Creek Bridge 61-G. The use of Bridge 61-G shall be prohibited to loads in excess of eleven tons for three axle vehicles, fifteen tons for five axle vehicles, and twenty tons for six axle vehicles until further notice. (Ord. 11095 § 13, 1993).

14.16.150 Tolt Bridge 1834-A. The use of Bridge 1834-A shall be limited to one truck at a time and be prohibited to loads in excess of seventeen tons for three axle vehicles, twenty seven tons for five axle vehicles, and thirty four tons for six axle vehicles until further notice. (Ord. 11095 § 10, 1993: Ord. 5701 § 16, 1981).

14.16.160 Whitney Bridge 3025. Bridge 3025 has been replaced and open for public use requiring no specific load limits and restrictions except as provided in RCW 46.44. (Ord. 11095 § 11, 1993: Ord. 5701 § 17, 1981).

14.16.165 York Bridge 225-C. The use of Bridge 225-C shall be prohibited to loads in excess of seventeen tons for three axle vehicles, twenty six tons for five axle vehicles, and thirty one tons for six axle vehicles until further notice. (Ord. 11095 § 15, 1993).

14.16.170 Enforcement. The director of the department of public works and the director of the department of public safety are authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder.

Any violation of this chapter is punishable, upon conviction, by a fine not to exceed one thousand dollars or by confinement in the county jail for a period not to exceed ninety days, or both. (Ord. 5701 § 18, 1981).

14.16.180 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 5701 § 19, 1981).

Chapter 14.20
STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION

Sections:

14.20.010 Standard Specifications adopted.
14.20.020 Department of public works to comply with standards.

14.20.010 Standard Specifications adopted. The 1994 edition of the Washington State Standard Specifications for Road, Bridge, and Municipal Construction is adopted as the standard specifications for road, bridge and drainage construction in King County, except that the provisions of the 1991 edition shall continue in effect on those current projects advertised prior to April 1, 1994 for construction. (Ord. 11247 § 1, 1994: Ord. 9919, 1991: Ord. 8422, 1988: Ord. 7072, 1984: Ord. 5486 § 1, 1981: Ord. 3134 § 1, 1977: Ord. 1969 § 1, 1974).

14.20.020 Department of public works to comply with standards. The department of public works will comply with the Soil Conservation Service Standards, Specifications and Contracting Procedures when working in conjunction with the federal government on a project requiring such compliance. (Ord. 11247 § 1, 1994: Ord. 336 (part), 1970).

Chapter 14.24
ROAD CONSTRUCTION RULES ADOPTED

Sections:

14.24.010 Rules adopted.
14.24.020 Enforcement.

14.24.010 Rules adopted. Standards, rules and regulations pertaining to the construction of plat roads and the performance of other road construction work on King County rights-of-way are hereby adopted and approved by the King County council and made an integral part of this chapter. The department of public works shall print copies of said standards, rules and regulations and subsequent revisions and additions thereto, and make the same available to anyone proposing to do work on King County rights-of-way. It is also made the duty of the department of public works to prepare and periodically update a county bonding schedule for use in determining appropriate construction, maintenance or restoration bonds for road and drainage facilities developed in compliance with adopted standards. (Ord. 7990 § 10, 1987: Ord. 5911 § 6, 1982: Res. 22903 (part), 1961).

14.24.020 Enforcement. The director of the department of public works is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 3 (part), 1976: Res. 22903 (part), 1961).

Chapter 14.28
RIGHTS-OF-WAY

Sections:

14.28.010 Definitions.
14.28.020 Permit required for improvement or use - Application processing.
14.28.030 Permit - Additional requirements.
14.28.050 Permit - Limited.
14.28.060 Permit - Extended.
14.28.070 Permit - Interpretation.
14.28.080 Compliance required of driveway connections or other access to county road rights-of-way.
14.28.090 Enforcement.
14.28.100 Retroactivity.
14.28.110 Effective date.

14.28.010 Definitions. A. DIVISION. "Division" means the building and land development division of the department of parks, planning and resources.

B. DEVELOPMENT APPROVAL. "Development approval" means the granting of a building permit, mobile home on-site permit, short subdivision or other county land use approval or approvals.

C. DEVELOPMENT ENGINEER. "Development engineer" means the building and land development division employee authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the division. The development engineer or designee shall be a professional civil engineer registered and licensed under the laws of the State of Washington.

D. RIGHT-OF-WAY USE PERMIT.

1. "Right-of-way use permit: limited" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time limited to one year or less.

2. "Right-of-way use permit: extended" means a permit authorizing the use of the county right-of-way for a designated purpose and for a period of time exceeding one year in duration. (Ord. 7990 § 11, 1987: Ord. 4895 § 1, 1980).

14.28.020 Permit required for improvement or use - Application processing. A. PERMITS REQUIRED. County road right-of-way shall not be privately improved or used for access or other purposes and no development approval shall be issued which requires use of privately maintained county right-of-way

unless a permit therefor has been issued pursuant to this chapter, except for utility construction work authorized pursuant to K.C.C. Chapter 14.44. This section shall not apply to driveway connections from private property to county road right-of-way.

B. GENERAL PROCEDURES.

1. Upon receipt of an application for right-of-way use permit, limited or extended, the division shall forward copies of the application to the division of real property, which shall determine whether the proposed activity is within county-owned right of way.

2. The division shall be the lead agency for the compliance with the State Environmental Policy Act. In addition, the development engineer shall review applications for compliance with applicable county plans, policies, regulations and standards. Prior to issuing a right-of-way use permit, the division shall determine and secure an appropriate bond as described in this chapter.

3. The division shall, when feasible, consolidate right-of-way use permits with other development approvals to prevent duplication and increase efficiency. The fee for a consolidated approval shall be reduced to the extent separate fees would be duplicative. (Ord. 7990 § 12, 1987: Ord. 4895 § 2, 1980).

14.28.030 Permit - Additional requirements. A. PLANS. Detailed engineering and restoration plans and/or drainage plan pursuant to K.C.C. 9.04 and Ordinance No. 4463, K.C.C. 19.20, may be required when considered necessary by the development engineer. Costs for the development of such plan and conduct of required studies shall be borne by the permit applicant.

B. SURVEY. When considered necessary by the development engineer to adequately define the limits of right-of-way, the permit applicant shall cause the right-of-way to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act.

C. DEDICATION. A permit applicant may be required to deed additional right-of-way across property under his authority when necessary to fulfill the minimum road right-of-way width prescribed in RCW 36.86.010.

D. ILLEGAL SUBDIVISION. A permit shall not be issued to provide access to a lot or parcel created in violation of state and county subdivision regulations. (Ord. 7990 § 13, 1987: Ord. 4895 § 7, 1980).

14.28.050 Permit - Limited. A. Upon filing of a complete application, payment of the fee, and posting of the required bond for restoration of the right-of-way, the division may issue a permit authorizing the limited use of county road right-of-way, for use by designated private parties for a specific use which is less than one year in duration.

B. The permit may require construction and restoration of the right-of-way to adopted standards based on the nature and duration of the specific use, and subject to division inspection. In addition, conditions may be set to assure the compliance with county plans, policies, standards and regulations. Such conditions may require performance in excess of adopted road standards.

C. The permit applicant may be required to post bonds in amounts determined by the division based on current bonding schedules which:

1. Guarantee construction and maintenance of the roadway, drainage, and retention/detention facilities in compliance with adopted standards; and

2. Guarantee restoration of the right-of-way to a condition consistent with the right-of-way use permit including blocking of access to the right-of-way at the expiration of the permit period.

D. The permit applicant shall assume sole responsibility for the safe and adequate operation and maintenance of any improvements to the county right-of-way during the period of time the permit is in effect.

E. The permit applicant may apply for one one-year extension to the right-of-way use permit: limited, upon written application for an extension, payment of the fees, and being found to have fully complied with the conditions and requirements of the original permit. The application for extension may only be made after the first six months of the original permit life. (Ord. 7990 § 14, 1987: Ord. 4895 § 5, 1980).

14.28.060 Permit - Extended. A. Upon filing of a complete application and payment of fee, the division may issue a permit authorizing the use of the county right-of-way for a designated use and for a period exceeding one year in duration.

B. The applicant may be required to construct a road to specific standards which may include full compliance with adopted King County road standards, and may be required to post bonds for construction, restoration and maintenance. Construction work and all restoration work required by the permit shall be completed within one year of the permit's issuance. In addition, the division may set conditions to assure compliance of the permit with other adopted plans, county policies, and regulations.

C. The department of public works shall place and maintain permanent sign(s) denoting the end of the county-maintained road.

D. The applicant shall have sole responsibility for the safe construction, operation and maintenance of any improvements to the county right-of-way pursuant to the permit, until such time as the improvements are officially accepted for maintenance by King County.

E. The permit applicant may be required to record a covenant running with the land and for the benefit of King County, which contains:

1. A legal description of the lot or parcel to be served by the right-of-way use permits, limited or extended;

2. A statement indicating that access to such parcel is across an unmaintained county right-of-way, that the county is not responsible for maintenance of the right-of-way and that responsibility for maintenance of the road rests jointly and equitably upon all permit holders;

3. A statement that the owner(s) of the parcel will not oppose participation in a county road improvement district, if formation of such a district is deemed necessary by King County;

4. A prohibition against subdividing such parcel without obtaining either plat or short plat approval therefor, or if exempt from platting, a right-of-way use permit for the additional lots being created;

5. A statement that the right-of-way use permit covenant is binding on the successors and assigns of the owner(s); and

6. The acknowledged signature(s) of the owner(s) of such parcel. (Ord. 7990 § 15, 1987: Ord. 4895 § 6, 1980).

14.28.070 Permit-Interpretation. Permits issued pursuant to this chapter shall not be construed to convey any vested right or ownership interest in any county right-of-way. Every right-of-way use permit shall state on its face that any county right-of-way opened pursuant to this chapter shall be open to use by the general public except in those cases where specific conditions in a right-of-way use permit: limited, restrict the use of the right-of-way for safety reasons. (Ord. 4895 § 10, 1980).

14.28.080 Compliance required of driveway connections or other access to county road rights-of-way. No driveway connection or other access from private property to a county road right-of-way shall be built or maintained which does not comply with the King County road standards adopted by Ordinance No. 4463, KCC 19.20. (Ord. 4895 § 9, 1980).

14.28.090 Enforcement. The director of the department of public works and the director of the department of planning and community development are authorized to enforce the provisions of this chapter, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 4895 § 11, 1980).

14.28.100 Retroactivity. All access approvals, trail permits and right-of-way use permits issued by King County division of real property prior to the effective date of this chapter shall not be affected by the provisions of this chapter. (Ord. 4895 § 3, 1980).

14.28.110 Effective date. The ordinance codified in this chapter shall become effective thirty days after signing by the county executive. (Ord. 4895 § 4, 1980).

Chapter 14.30
PERMIT SYSTEM FOR COUNTY PROPERTY

Sections:

14.30.010 Definitions.
14.30.020 Permit Requirement.
14.30.025 Inspection fee.
14.30.030 Permit Issuance.
14.30.040 Liability.
14.30.050 Additional Requirements.
14.30.060 Fee.
14.30.070 Interpretation.
14.30.080 Enforcement.
14.30.090 Severability.

14.30.010 Definitions. A. "County property" herein means all county real property, including but not limited to recreational trails, county road rights-of-way and dedicated open space.

B. "Special Use Permits" means a permit for the use of county property issued pursuant to this chapter.

C. "Custodial Departments" means those county departments whose function it is to manage and control county use of said rights-of-way or other county property. (Ord. 6254 § 1, 1982).

14.30.020 Permit requirement. A. Special use permits shall be required for any use of county property except uses regulated pursuant to KCC 14.44 relating to utility permits and KCC 14.28 relating to county road system rights-of-way use permits.

B. Upon receipt of an application for a "Special Use" permit upon county property, the real property division shall determine whether the proposed use is upon county owned property.

C. The real property division shall forward the application to all county custodial departments for review.

D. The custodial departments shall review the application and forward its recommendation whether the permit shall be issued by the real property division. If a custodial department recommends denial, the real property division shall deny the permit.

E. If there is no custodial department with jurisdiction over the county property, the real property division shall evaluate the feasibility of the proposed use, its impact on other uses of the county property and its impact on public health and safety. Based on this evaluation, the real property division shall determine whether the permit should be issued.

F. In all cases, the real property division shall forward the application to the department of parks, planning and resources for recommendations on sensitive area issues and the real property division shall be responsible for assuring that any application meets the requirements of the sensitive areas code set out in K.C.C. Chapter 21.54 and the administrative rules promulgated thereunder before the permit is issued. (Ord. 9614 § 106, 1990: Ord. 6254 § 2, 1982).

14.30.025 Inspection fee. The permit applicant is required to pay an inspection fee at the rate of forty dollars per hour to the department of public works, roads and engineering division, for inspections necessary to establish compliance with the terms and conditions of each special use permit. The fees are in addition to any other county fees and are nonrefundable. The fees shall be collected in accordance with administrative procedures developed by the department of public works. (Ord. 7025 § 5, 1984).

14.30.030 Permit issuance. A. Upon filing of a complete application, necessary approval of said application and the payment of the administrative fee and posting of any required bond, the real property division may issue a permit authorizing the designated use of county property by the permittee.

B. The permit may require restoration of the county property to standards prescribed by the custodial department and the real property division in view of the nature and duration of the special use. In addition, conditions may be set by the real property division to assure compliance of the permit with county policies, ordinances and other applicable laws and regulations.

C. The permit applicant may be required to post a performance bond in an amount which will:

1. Guarantee the use will be in compliance with standards and conditions prescribed by the real property division:

2. Guarantee restoration of the county property to a condition consistent with the special use permit and the county's own use of its property. (Ord. 6254 § 3, 1982).

14.30.040 Liability. The permit applicant shall be solely responsible for the adequate operation and maintenance of any improvements constructed by the permittee to the county property and shall assume liability for all injuries to persons or property as the result of activities pursuant to a special use permit. (Ord. 6254 § 4, 1982).

14.30.050 Additional Requirements. A. Survey. When considered necessary by the real property division to adequately determine the limits of the county property, the permit applicant shall cause the county property to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act. The cost of such survey shall be paid by the permit applicant.

B. Dedication. A permit applicant may be required to deed additional right-of-way across property under his authority when necessary to fulfill any county policy, ordinance or laws. (Ord. 6254 § 5, 1982).

14.30.060 Fee. A fifty dollar application fee to recover the cost of processing the application as determined by the real property division shall be paid thereto upon filing of the application. Such fee is non-refundable. However, the real property division manager shall have the authority to waive such fees for permits when waiver of such fees is in the best interest of the public health, safety, and welfare.

The real property division shall have the authority to charge an annual fee for uses of county property where appropriate considering the duration of the proposed use.

In addition, the real property division shall have the authority to require applicants to reimburse King County for all expenses to be incurred by King County as a result of issuance of a special use permit. Such payment shall be made at the time of permit issuance. (Ord. 7022 § 1, 1984: Ord. 6254 § 6, 1982).

14.30.070 Interpretation. Permits issued pursuant to this chapter shall not be construed to convey any vested right of ownership interest in any county property. (Ord. 6254 § 7, 1982).

14.30.080 Enforcement. The manager of the real property division and director of the applicable custodial department are authorized to enforce the provisions of this chapter, pursuant to KCC 23. (Ord. 6254 § 8, 1982).

14.30.090 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 6254 § 9, 1982).

Chapter 14.32
INSTALLATION OF PUBLIC BENCHES

Sections:

14.32.010 Definitions.
14.32.020 Permit - Required for each bench.
14.32.030 Permit - Application - Bench plans.
14.32.040 Consent of property owner.
14.32.050 Bench owner to sign permit application - Inspection fee.
14.32.060 Permit - Fee payment.
14.32.070 Permit - Expiration - Renewal application and fee.
14.32.080 Transfer of bench ownership or title.
14.32.090 Permit - Grounds for denial.
14.32.100 Permit - Withdrawal of consent by property owner.
14.32.110 Permit - Time limit for acceptance and fee payment.
14.32.120 Permit - Cancellation after installation delay.
14.32.130 Permit - Protest of nearby property owner.
14.32.140 Distance of bench from curb.
14.32.150 Height and length of bench.
14.32.160 Bench to display name and permit number of permittee.
14.32.170 Maintenance of bench by permittee.
14.32.180 Location and space permitted advertising.
14.32.190 Use of words misleading to traffic.

14.32.200 Disposition of bench on revocation of permit - Recovery by permitee.
14.32.210 Refund of fees on revocation of permit.
14.32.220 Enforcement.
14.32.230 Bond.
14.32.240 Schedule of liability limits for bonds and insurance policies.

14.32.010 Definitions. A. "Bench" means a seat located upon public property along any public thoroughfare for the accommodation of passerby or persons awaiting transportation.

B. "Street" means any public thoroughfare including the sidewalk, the parkway and any other public property bordering upon a public thoroughfare. (Res. 9793 Para. 1, 1945).

14.32.020 Permit - Required for each bench. No person shall install or maintain any bench on any street without a permit therefor from the county road engineer, who shall hereafter be referred to as the engineer. A separate permit must be obtained for each bench, which permit shall be valid only for the particular location specified thereon. Each permit shall bear a separate number and not more than two permits shall be issued for any one location. (Res. 9793 Para. 2, 1945).

14.32.030 Permit - Application - Bench plans. No bench permit shall be issued except upon written application, made upon a form prescribed by the engineer, showing the proposed location of each bench, the advertising, if any, to appear thereon and such other information as the engineer may require.

Detailed plans and specifications of each bench shall be supplied by the applicant. (Res. 9793 Para. 3(a) and (b), 1945).

14.32.040 Consent of property owner. Each application must be accompanied by a writing signed by the owner or person in lawful possession or control of the property abutting upon the public street at the place where the bench is proposed to be located, giving his consent to the installation and maintenance of the bench. (Res. 9793 Para. 3(c), 1945).

14.32.050 Bench owner to sign permit application - Inspection fee. Each application must be signed by the owner of the bench or benches for which permits are requested, and must be accompanied by an inspection fee of one dollar for each such bench. (Res. 9793 Para. 3(d), 1945).

14.32.060 Permit - Fee payment. If the application is granted, an additional fee of two dollars shall be collected at the time of the issuance of the permit for each bench for which a permit is issued. (Res. 9793 Para. 3(e), 1945).

14.32.070 Permit - Expiration - Renewal application and fee. Each permit shall expire on July 1st next following the date of issuance unless renewed. A fee of two dollars for each bench shall be charged for each annual renewal of the permit. Application for renewal must be made prior to the expiration date, and must be accompanied by the renewal fee. (Res. 9793 Para. 3(f), 1945).

14.32.080 Transfer of bench ownership or title. Whenever a bench for

which a permit has been issued is sold or title or control thereof assigned or transferred, a new permit must be obtained for its maintenance. (Res. 9793 Para. 3(g), 1945).

14.32.090 Permit - Grounds for denial. The application shall be denied if the engineer finds that the maintenance of the bench would tend to obstruct passage along any public thoroughfare or to create a hazard or would otherwise be detrimental to the public safety, welfare or convenience. (Res. 9793 Para. 4(a), 1945).

14.32.100 Permit - Withdrawal of consent by property owner. If the abutting owner withdraws his consent to the continued maintenance of the bench, and gives written notice thereof to the engineer, then at the expiration of the current term of the permit, a renewal of the permit shall be denied. The engineer shall inform the permittee of the receipt of such notice. (Res. 9793 Para. 4(c), 1945).

14.32.110 Permit - Time limit for acceptance and fee payment. The application shall be cancelled and denied if the applicant fails to deposit the annual fee and accept the permit within ten days after notice of the approval of the application by the engineer. (Res. 9793 Para. 4(d), 1945).

14.32.120 Permit - Cancellation after installation delay. Any permit issued under this chapter shall be cancelled and revoked if the permittee fails to install the bench within sixty days after the date of the issuance of the permit. (Res. 9793 Para. 4(e), 1945).

14.32.130 Permit - Protest of nearby property owner. The application shall be cancelled and denied, or the permit revoked, as the case may be, if sixty percent of the property owners and/or tenants living or having their place of business within two hundred feet of the location of the bench or benches protest the same. (Res. 9793 Para. 4(f), 1945).

14.32.140 Distance of bench from curb. No permittee shall locate or maintain any bench at a point less than eighteen inches or more than thirty inches from the face of the curb, and each bench must be kept parallel with the curb. (Res. 9793 Para. 5(a), 1945).

14.32.150 Height and length of bench. No bench shall be more than forty-two inches high nor more than two feet, six inches wide, nor more than seven feet long, over all. (Res. 9793 Para. 5(b), 1945).

14.32.160 Bench to display name and permit number of permittee. Each bench must have displayed thereon, in a conspicuous place, the name of the permittee and the permit number. (Res. 9793 Para. 5(c), 1945).

14.32.170 Maintenance of bench by permittee. It shall be the duty of the permittee to maintain each bench at all times in a safe condition and at its proper and lawful location, and to inspect each bench periodically. (Res. 9793 Para. 5(d), 1945).

14.32.180 Location and space permitted advertising. No advertising matter or sign whatever shall be displayed upon any bench except upon the front and rear surfaces of the backrest, and not more than seventy-five percent of each such surface shall be so used. No pictures or representations in irregular

contour shall appear on any bench. All advertising shall be subject to the approval of the engineer. (Res. 9793 Para. 6(a), 1945).

14.32.190 Use of words misleading to traffic. No advertisement or sign on any bench shall display the words "Stop," "Look," "Drive-In," "Danger" or any other word, phrase, symbol or character calculated to interfere with, mislead or distract traffic. (Res. 9793 Para. 6(b), 1945).

14.32.200 Disposition of bench on revocation of permit - Recovery by permittee. After the revocation of any permit, the engineer may remove and store the bench, if the permittee fails to do so within ten days after notice.

The permittee may recover the bench, if, within sixty days after the removal, he pays the cost of such removal and storage, which shall not exceed two dollars for removal and five dollars a month for storage, for each such bench. After sixty days, the engineer may sell, destroy or otherwise dispose of the bench at his discretion.

All of the foregoing shall be at the sole risk of the permittee and shall be in addition to any other remedy provided by law for the violation of this chapter. (Res. 9793 Para. 7, 1945).

14.32.210 Refund of fees on revocation of permit. No fee paid pursuant to this chapter shall be refunded in the event the application is denied or the permit revoked, except that when for any cause beyond the control of the permittee a permit is revoked within sixty days after the date of the issuance or last renewal thereof, the two-dollar fee therefor for the current year may be refunded to the permittee, upon written demand filed within six months after the date of the revocation. (Res. 9793 Para. 9, 1945).

14.32.220 Enforcement. The director of the Department of Public Works and Transportation is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 3(part), 1976: Res. 9793 (part), 1945).

14.32.230 Bond. No permit shall be issued unless the applicant posts and maintains with King County a surety bond or policy of public liability insurance, approved by the engineer and conditioned as hereinafter provided, viz: that permittee will indemnify and save harmless the county of King, its officers and employees from any and all loss, costs, damages, expenses or liability which may result from or arise out of the granting of the permit, or the installation or maintenance of the bench for which the permit is issued, and that the permittee will pay any and all loss or damage that may be sustained by any person as a result of or which may be caused by or arise out of such installation or maintenance. The bond or policy of insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect. In the event that two or more permits are issued to one permittee, one such bond or policy of insurance may be furnished to cover two or more benches, and each bond or policy shall be of such a type that its coverage shall be automatically restored immediately from and after the time of the reporting of any accident from which liability may thereafter accrue. (Res. 9793 Para. 10, 1945).

14.32.240 Schedule of liability limits for bonds and insurance policies. The limit of liability upon any bond or policy of insurance, posted pursuant to the requirements of this chapter, shall in no case be less than five

thousand dollars for bodily injuries to or death of one person. The permissible limit of liability for bodily injuries or death of more than one person shall depend upon the number of bench permits covered thereby, and shall not be less than the amount specified in the following schedule:

Number of Bench Permits	Limits of Liability
1 to 10	$10,000.00
11 to 50	20,000.00
51 to 100	40,000.00
101 or more	80,000.00

(Res. 9793 Para. 11, 1945).

Chapter 14.38
ROAD CLOSURE BY PETITION

Sections:

14.38.010 Authority.
14.38.020 Petitions.
14.38.030 Determination.
14.38.040 Appeals.
14.38.050 Rules.

14.38.010 Authority. The department of public works shall be responsible for receiving and processing all road closure petitions, and for determining whether or not the roads identified in the petition shall be closed. The authority to make and issue said determinations shall be vested in the director, department of public works. Nothing in this chapter shall be construed to abrogate or abridge the powers of the county road engineer to temporarily or permanently close county roads, as may be authorized by law. (Ord. 10962 §§ 1, 6, 1993).

14.38.020 Petitions. A. Petitions to close King County roads shall be filed with the director, department of public works.

B. Said petitions shall include: the names, signatures and legal addresses of the persons filing the petition; the location of the roads or streets which the petitioners wish to have closed, including the intersections delineating the boundaries of the road or street sections to be closed; a map depicting the road or streets sections requested to be closed; and the reasons for petitioning for closure of the street or road. Other information or documents as the petitioners deem pertinent may be included. Petitions for road closures shall include the names and signatures of at least a simple majority of the owners of property residing along the sections(s) of road being petitioned for closure and the signatures of at least ten percent of the owners of property being served by arterial roads and neighborhood collector streets to which traffic would be diverted within a distance of 660 feet from the road section petitioned for closure.

C. Reasons for petitioning the county for the closure of a road shall be limited to safety hazards posed to pedestrians, contiguous real property, and/or traffic such as, but not limited to, traffic speeds, volume, or types of vehicle using the road or street, the adequacy of road signage, and road design considerations.

D. Petitioners shall submit whatever quantitative or other analyses they may possess in support of their petition, such as traffic volumes or counts, or numbers of accidents which have occurred on the road or street petitioned to be closed.

E. The director may consider a request for road closure which is not in conformance with the petition provisions of this chapter from any person. The decision of the director on such a request shall not be subject to the provisions of Sections .030 and .050. (Ord. 10962 §§ 2, 5, 1993).

14.38.030 Determination. A. The director, department of public works, shall do the following upon the receipt of a petition for road closure:

1. Acknowledge in writing within ten calendar days the receipt of the petition.

2. Refer the petition to the county road engineer for investigation, determination, and for the making of a recommendation on road closure to the director.

B. The county road engineer's recommendation shall be submitted to the director in writing no later than sixty days after the receipt of the petition.

C. The director shall notify the petitioners in writing of his decision within ten days of the receipt of the county road engineer's recommendation on the road closure petition. Said notification shall delineate the process for appealing a denial of a petition to close a county road.

D. The director may reject the petition for road closure or may determine that the portion of the road specified in the petition is to be fully closed, closed to through traffic only, open to emergency vehicles only, closed in one direction only, closed to certain types of vehicles or temporarily closed in one of the ways specified.

E. In addition to making a determination on the merits of the road closure petition, the director may also identify safety measures for the area defined by the road closure petition as an alternative to road closure and may implement those road safety-related mitigations.

F. The decision of the director to close a county road shall be forwarded to the council for consideration and adoption by ordinance, unless an appeal of the director's decision is filed pursuant to the requirements of Section .040. (Ord. 10962 §§ 3, 4, 1993).

14.38.040 Appeals. A. The decision of the director on a petition submitted under Section .020 may be appealed by any aggrieved person to the zoning and subdivision examiner pursuant to the provisions of K.C.C. Chapter 20.24. Such appeals shall be filed with the department of public works no more than ten days following the date of issuance of the director's written road closure petition determination.

B. The decision of the director shall be affirmed unless it is arbitrary and capricious when considered pursuant to the criteria established by the director.

C. The hearing examiner shall conduct a public hearing and make a recommendation to the county council pursuant to the provisions of K.C.C. 20.24.070 based upon the findings and conclusions. (Ord. 10962 § 8, 1993).

14.38.050 Rules. The director shall promulgate rules under the procedures set forth in K.C.C. 2.98 implementing the provisions of this chapter including, but not limited to, establishing administrative procedures and criteria for the evaluation of road closure petitions. Such rules shall not go into effect until they are reviewed and approved by the council. such rules shall be transmitted to the council for its consideration and action no later than December 31, 1993. (Ord. 10962 § 7, 1993).

Chapter 14.40
ROAD VACATION[1]

Sections:

14.40.010 Authority.
14.40.015 Procedure.
14.40.017 Referral to zoning and subdivision examiner.
14.40.020 Amount.
14.40.030 Condition precedent.
14.40.040 Deposit.
14.40.050 Manner of payment.
14.40.060 Road classification.

14.40.010 Authority. Petitions for the vacation of county roads may be granted by the council in accordance with the provisions of RCW Chapter 36.87 as amended by Chapter 185, Laws of 1969 First Extraordinary Session, except as provided herein, and King County shall receive compensation as provided for in this chapter. (Ord. 6471 § 1, 1983: Ord. 4390 § 1, 1979: Ord. 129 § 1, 1969)

14.40.015 Procedure. A. The zoning and subdivision examiner shall hold public hearings on vacations which have been recommended for approval by the department of public works, and provide a recommendation to the King County council, as prescribed by RCW 36.87.060.

B. In the event the report by the department of public works recommends denial of the vacation petition, the following shall be the operating procedure:

1. Written notification shall be transmitted to the petitioner by the department of public works citing the rationale for the denial and indicating that the denial may be appealed to the zoning and subdivision examiner for hearing and recommendation to the council. A copy of the notice of denial shall be filed with the council clerk's office.

2. The notice of denial shall be final unless the petitioner files a written appeal including a two hundred dollar administrative fee with the council clerk within thirty calendar days of the issuance of the notice of denial. The petitioner's written appeal shall specify the basis for the appeal and any arguments in support of the appeal.

3. Any appeal filed by a petitioner shall be processed by the zoning and subdivision examiner in the same manner as vacations recommended for approval. (Ord. 10691 § 1, 1992: Ord. 6471 § 2, 1983: Ord. 4390 § 1, 1979: Ord. 129 § 1, 1969).

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[1] [For statutory provisions regarding county vacation of roads, see RCW 36.87.]

14.40.017 Referral to zoning and subdivision examiner. Road vacation petitions, recommendations, and appeals that have not been introduced by the King County council for review and action as of the effective date of this section, (January 9, 1993), shall be subject to the hearing process before the zoning and subdivision examiner. Road vacations or appeals of denials which have been introduced as ordinances by the council as of the effective date of this section (January 9, 1993) may be referred to the zoning and subdivision examiner for recommendation by motion of the council. (Ord. 10691 § 6, 1992).

14.40.020 Amount. The amount of compensation, if required in this chapter, shall be recommended by the zoning and subdivision examiner and shall be determined by the council according to the following criteria:

A. Vacation of all county roads included in Classes A, B, and C, if granted, shall require compensation at the full appraised value of the vacated road for Class A vacations; at 75% of the full appraised value for Class B vacations; and at 50% of full appraised value for class C vacations as of the effective date of the vacation, which amount, for the purposes of this chapter, may be determined from the records of the department of assessments;

Provided, that the zoning and subdivision examiner may propose and the council shall have the authority to accept real property of equal or greater value in lieu of cash compensation. The council shall have the authority to waive some or all of the compensation, except two hundred dollars administrative costs for processing the vacation of a county road, where the petitioner is providing an alternative road to the county of equal or greater value and said alternative will fulfill the public purposes of the previous transportation circulation plan.

B. Vacation of all county roads included in Class D, or those roads vacated by operation of law under the laws of 1889-1890 and affirmed by council action, if granted, shall require a two hundred dollar fee as compensation for the administrative costs of the vacation.

C. In the recommendation to the council pursuant to K.C.C. 20.24.070, the zoning and subdivision examiner may recommend the acceptance of real property of equal or greater value in lieu of cash compensation, or may recommend the waiver of some or all of the compensation required by this section.

D. When a road is vacated for a governmental agency, compensation shall be in accordance with the classification of the road, except that some or all of the compensation may be waived at the discretion of the council.

E. The council may waive some or all of the compensation for any classification of road, if it determines that it would benefit King County to do so. (Ord. 10691 § 2, 1992: Ord. 9164 § 1, 1989: Ord. 7013 § 1, 1984: Ord. 3088 § 1, 1977: Ord. 2759 § 2, 1976).

14.40.030 Condition precedent. The compensation determined to be paid shall be a condition precedent to the vacation of any county road and shall be paid to King County by petitioner within ninety days of receipt of the request for compensation prepared in accordance with K.C.C. 14.40.020. In the event of failure of the petitioner to pay such sum within ninety days, the petition for vacation shall be denied except that if a road proposed for vacation is bordered by more than one parcel of property and if the owners of some, but not all, of those parcels want to have those portions abutting their properties vacated and are willing to pay their prorated share of the required compensation, the department of public works may so modify the vacation request. (Ord. 10691 § 5, 1992: Ord. 9164 § 2, 1989: Ord. 2759 § 3, 1976: Ord. 129 § 3, 1969).

14.40.040 Deposit. Each petition for vacation of a road shall be accompanied by a bond or cash deposit of one hundred dollars, which will be used to defray examination, report, publication, investigative and other costs connected with the application. Such deposit shall not be returned to the petitioner. When deemed necessary by the county executive, he may require an additional deposit to cover appraisal costs. (Ord. 434 § 1, 1970: Ord. 129 § 4, 1969).

14.40.050 Manner of payment. Payment shall be made to the King County treasurer and shall be credited to the county road fund in the case of Class A and B vacations and in all other cases shall be credited to Fund 316 and earmarked for the acquisition of open space. (Ord. 9164 § 3, 1989: Ord. 129 § 5, 1969).

14.40.060 Road classification. For the purposes of this chapter, all roads within King County are declared to be within one of four classes:

A. A Class. All King County roads or other real property interests conveyed to or held by King County for road purposes for which public funds have been expended in the acquisition of said road or property interests are classified A-class roads.

B. B Class. All King County roads or other real property interests conveyed to or held by King County for road purposes acquired at no monetary cost to the county and for which expenditures of funds have been made in the improvement or maintenance of same are classified B-class roads.

C. C Class. All King County roads or other real property interests conveyed to or held by King County for road purposes for which no public funds have been expended in the acquisition, improvement or maintenance of same, excluding roads subject to vacation as a matter of law, are classified C-class roads.

D. D Class. All King County roads or other real property interests originally conveyed to King County by the present petitioner for the vacation of said road or property interests for which no public expenditures have been made in the acquisition, improvement or maintenance of same, or any other road not included within classes A, B or C are classified D-class roads. (Ord. 2759 § 1, 1976).

Chapter 14.42
KING COUNTY ROAD STANDARDS

Sections:

14.42.010 Adoption.
14.42.020 Terms.
14.42.030 Applicability.
14.42.040 Developments.
14.42.050 References.
14.42.060 Variances.
14.42.062 Appeals from decisions on variances.
14.42.070 Penalties.
14.42.080 Severability.
14.42.090 Effective date.

14.42.010 Adoption. A. "King County Road Standards," 1993 update, as amended by the council December 20, 1993, incorporated herein as Attachment A* with amended Sections 2.03, 2.20, 2.21, 3.02, 5.03 and 5.10 as Attachment B* are hereby approved and adopted as the King County standards for road design and construction.

B. Consistent with council's direction and intent in adopting these standards the department of public works is hereby authorized to develop public rules and make minor changes to the drawings in order to better implement the standards and as needed to stay current with changing design and construction technology and methods.

C. Consistent with council's direction and intent in adopting these standards the department of public works will establish a committee consisting of county staff and representatives of the fire and emergency medical service and development communities. The committee will investigate alternative roadway widths and other road standard related issues that impact the ability to provide emergency fire and medical service to the public and report findings back to council by September 1994. (Ord. 11187 § 1, 1993).

14.42.020 Terms. A. "Standards" means King County Road Standards.

B. "Engineer" means King County road engineer, having authorities specified in RCW 36.75.050 and 36.80, or his authorized representatives. (Ord. 8041 § 3, 1987).

14.42.030 Applicability. A. The standards may apply to all newly constructed modifications of roadway features or existing facilities which are within the scope of reconstructions or capital improvement projects when so required by King County or to the extent they are expressly referred to in project plans and specifications. These standards are not intended to apply to

*Available in the office of the clerk of the council.

"resurfacing, restoration, and rehabilitation" projects as those terms are defined in the Local Agency Guidelines, Washington State Department of Transportation, as amended; however, the engineer may in his discretion consider the standards as optional goals.

B. The standards shall apply to every new placement and every planned, nonemergency replacement of existing utility poles and other utility structures within the King County right-of-way. (Ord. 11187 § 2, 1993: Ord. 8041 § 4, 1987).

14.42.040 Developments. Any land development which is required by operation of any county ordinance or adopted standard to improve roads within, abutting, or serving the development shall do so in accordance with these standards. (Ord. 8041 § 5, 1987).

14.42.050 References. The standards implement and are intended to be consistent with the references listed in Section 1.04 of Attachment A, "King County Road Standards, 1993."* (Ord. 11187 § 3, 1993: Ord. 8041 § 6, 1987).

14.42.060 Variances. Variances from these standards may be granted by the engineer upon evidence that such variances are in the public interest, and that requirements for safety, function, fire protection, appearance, and maintainability based upon sound engineering judgment are fully met. Detailed procedures for requesting variances are contained in administrative rules available from the county road engineer. Variances must be approved prior to construction. Any variances from these standards which do not meet the Uniform Fire Code will require concurrence by the King County fire marshal. (Ord. 8041 § 7, 1987).

14.42.062 Appeals from decisions on variances. Appeals from decisions on variances made by the road engineer pursuant to K.C.C. 14.42.060, may be appealed according to the procedures set forth in K.C.C. 20.24. (Ord. 8804 § 3, 1989).

14.42.070 Penalties. Failure to comply with these standards may result in denial of plan or development permit approval, revocation of prior approvals, legal action for forfeiture of bond, code enforcement, and/or other penalties as provided by law. (Ord. 8041 § 8, 1987).

14.42.080 Severability. If any part of these standards as established by ordinance shall be found invalid, all other parts shall remain in effect. (Ord. 8041 § 9, 1987).

14.42.090 Effective Date. This ordinance shall take effect 30 days from its enactment (January 29, 1994). (Ord. 11187 § 4, 1993).

Chapter 14.44
UTILITIES ON COUNTY RIGHTS-OF-WAY

Sections:

14.44.010 Purpose.
14.44.020 Construction permit - Required.
14.44.030 Construction permit - Application - Generally.
14.44.040 Construction permit - Application - Fees.

*Available in the office of the clerk of the council.

14.44.045 Inspection fee.
14.44.050 Construction permit - Application - Review.
14.44.060 Policy on accommodation of utilities.
14.44.070 Coordination of right-of-way construction.
14.44.080 Performance bond required.
14.44.090 Construction permit - Form.
14.44.100 Notification by permittee of construction commenced.
14.44.110 Enforcement.
14.44.120 Severability.

14.44.010 Purpose. The purpose of this chapter is to regulate the granting of right-of-way construction permits and to insure that utility construction work undertaken pursuant to such permits is consistent with the applicant's right-of-way franchise from the county, the applicable district comprehensive plan, the sensitive areas code, the county comprehensive plan, sound engineering and design standards, health and sanitation regulations, and county standards for water mains and fire hydrants. (Ord. 9614 § 107, 1990: Ord. 1711 § 1, 1973).

14.44.020 Construction permit - Required. All construction work performed by franchised utilities, telephone and telegraph companies and Metro within King County right-of-way shall require a right-of-way construction permit to be issued by the real property division of the department of executive administration; provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Construction work shall include the construction and maintenance of waterlines, gas pipes, sewer lines, petroleum pipelines, telephone, telegraph and electric lines, cable TV and petroleum products and any other such public and private utilities. (Ord. 5275 § 1, 1981: Ord. 1711 § 2, 1973).

14.44.030 Construction permit - Application - Generally. Applications for all right-of-way construction permits shall be submitted, in writing, to the real property division. The application shall contain whatever information, including plans and specifications, which the real property division shall require. (Ord. 5275 § 2, 1981: Ord. 1711 § 3, 1973).

14.44.040 Construction permit - Application - Fees. Each application requires a fee payable to the real property division for the administrative costs and expenses of processing the application. The following fee schedule shall become effective as of January 1, 1992:

1. Pole Lines:
   Power, telephone, etc. (every six poles or portion thereof) $20.00
2. Water:
   Installing mains (1000 lin. ft. or less) 20.00
   Additional 1000 lin. ft. or fraction thereof 16.00
   Excavation for connection 20.00
3. Sewer:
   Installation of mains (1000 ft. or fraction thereof) 20.00
   Additional 1000 lin. ft. or fraction thereof 16.00
   Excavation for connection 20.00

4. Cable or Conduit:
   Installing cable or conduit (1000 ft. or less) 20.00
   Additional 1000 lin. ft. or fraction thereof 16.00
   Excavation in street for connection 20.00
5. Gas or Oil:
   Installing mains (1000 lin. ft. or less) 20.00
   Additional 1000 ft. or fraction thereof 16.00
   Excavation for connection 20.00

(Ord. 10172 § 1, 1991: Ord. 7025 § 2, 1984: Ord. 7021 § 1, 1984: Ord. 5275 § 3, 1981: Ord. 1711 § 4, 1973).

14.44.045 Inspection fee. A. Effective January 1, 1994, the permittee is required to pay an inspection fee at the rate of ninety-eight dollars per hour of utility inspection to the department of public works. The fees are in addition to any other county fees and are nonrefundable.

B. The fees shall be collected in accordance with administrative procedures developed by the department of public works. (Ord. 11139 § 1, 1993: Ord. 10650 § 1, 1992: Ord. 10176 § 1, 1991: Ord. 9718, 1990: Ord. 9450, 1990: Ord. 8748, 1988: Ord. 7025 § 3, 1984).

14.44.050 Construction permit - Application - Review. A. The real property division shall coordinate the review by all departments of right-of-way construction permit applications and shall determine whether the proposed construction is consistent with the applicant's right-of-way franchise from the county.

B. The department of public works shall review and evaluate applications in respect to the hazard and risk of the proposed construction, location of the proposed construction in relation to other utilities in the right-of-way and the adequacy of the engineering and design of the proposed construction.

C. The building and land development division shall review and evaluate all applications for right-of-way construction permits for sewer and water main extensions to determine whether the proposed construction is consistent with the sewer or water comprehensive plan approved by the county council pursuant to K.C.C. Chapter 13.24. If the facility is not consistent with an approved comprehensive plan, then the construction permit shall not be issued. (Ord. 5275 § 4, 1981: Ord. 4273 § 1, 1979: Ord. 1711 § 5, 1973).

14.44.060 Policy on accommodation of utilities. Washington Administrative Code (WAC) 136, Chapter 40, as amended, regarding accommodation of utilities on county road right-of-way, as published by the county road administration board, is readopted by reference as policy for use on all King County roads. (Ord. 1711 § 6, 1973).

14.44.070 Coordination of right-of-way construction. A. The applicant, at the time of submitting an application for a right-of-way construction permit, shall notify all other public and private utility entities known to be using or proposing to use the same right-of-way of the applicant's proposed construction and the proposed timing of such construction. Any such entity notified may, within seven days of such notification, request a delay in the commencement of such proposed construction for the purpose of coordinating other right-of-way construction with that proposed by the applicant. The purchasing division may delay the commencement date for the applicant's right-of-way construction for

ninety days or less, except in the case of emergencies, if it finds that such delay will reduce the inconvenience to county road users from construction activities, and it finds that such delay will not create undue economic hardship on the applicant.

B. The real property division shall also coordinate the approval of right-of-way construction permits with county street improvements and maintenance and may delay the commencement date for the applicant's right-of-way construction for ninety days or less, except in the case of emergencies, upon making the findings described in subsection A.

C. The real property division shall inform the department of public works of all right-of-way construction permits issued. (Ord. 5275 § 5, 1981: Ord. 1711 § 7, 1973).

14.44.080 Performance bond required. Prior to final approval of all right-of-way construction permits, the department of public works shall determine the amount of the performance bond necessary to assure compliance with the approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants and to assure proper restoration of the road and the health and safety of the users of the road. The applicant shall submit the bond in the amount indicated and by an approved surety. (Ord. 1711 § 8, 1973).

14.44.090 Construction permit - Form. The right-of-way construction permit granted shall be in a form approved by and be made subject to all reasonable and necessary terms and conditions imposed by the department of public works. (Ord. 1711 § 9, 1973).

14.44.100 Notification by permittee of construction commenced. The permittee is required to give oral or written notice of the date construction will begin to the following agencies: department of public works for all right-of-way construction; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); King County fire marshal for waterworks. Failure to give such notice is grounds for the revocation or suspension of the construction permit. (Ord. 1711 § 10, 1973).

14.44.110 Enforcement. The director of the department of public works and the director of the Seattle-King County department of public health are authorized to enforce the provisions of this chapter, the ordinances codified in it, and any rules and regulations adopted thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 5, 1976: Ord. 1711 (part), 1973).

14.44.120 Severability. If any provision of this chapter or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 1711 § 13, 1973).

Chapter 14.46
PUBLIC AND PRIVATE UTILITIES ON KING COUNTY REAL PROPERTY

Sections:

14.46.010 Purpose.
14.46.020 Permit - Required - Exceptions.
14.46.030 Permit - Issuance authority - Use.
14.46.040 Permit - Privilege limitations.
14.46.050 Permit - Compliance with applicable provisions.
14.46.060 Permit - Terms and conditions.
14.46.070 Permit - Application - Required information.
14.46.080 Permit - Application and inspection fee.
14.46.090 Review and certification by agencies.
14.46.100 Bond requirements.
14.46.110 Notice of proposed use and commencement - Departmental coordination of permit approval.
14.46.120 Notice to agencies of construction date.
14.46.130 Permit revocation.
14.46.140 Termination of privileges - Assessment.
14.46.150 Enforcement.
14.46.160 Rights reserved to county - Conformance and payment of cost required.
14.46.170 Rule and regulation promulgation.
14.46.180 Severability.

14.46.010 Purpose. The purpose of this chapter shall be to authorize and regulate the issuance of permits for the accommodation of public and private utility facilities, and other uses upon King County owned real property which is not dedicated as right-of-way and to insure that privileges authorized by the permits are consistent with public ownership of the property, the county comprehensive plan, the sensitive areas code, sound engineering and design standards, and health and sanitation regulations. (Ord. 9614 § 108, 1990: Ord. 4099 § 1, 1979).

14.46.020 Permit - Required - Exceptions. All utility construction work and other uses performed upon, along, over, under or across any public place in King County shall require a permit to be issued by the real property division of the department of executive administration; provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Utility construction work includes, but is not limited to, construction and maintenance of waterworks, gas pipes, telephone, telegraph and electric lines, sewers, cable television and petroleum products and any other such public and private utilities. (Ord. 4099 § 2, 1979).

14.46.030 Permit - Issuance authority - Use. The department of executive administration, real property division is authorized to issue revocable permits for all utility construction work and installation, and other uses upon, along, over, under or across any public place in King County. The permits shall be used to authorize an act or series of acts on King County owned real property which is not dedicated as right-of-way. (Ord. 4099 § 3, 1979).

14.46.040 Permit - Privilege limitations. The permits shall not be construed to convey any vested right in the property. The permits grant only a personal and revocable privilege and license to do one or more acts on the property without possessing any interest in the property. (Ord. 4099 § 4, 1979).

14.46.050 Permit - Compliance with applicable provisions. The issuance of permits authorized in this chapter does not relieve or release the permittee from complying with other applicable statutes, ordinances, restrictions, regulations, rules or obligations in connection with the permittee's proposed use of the property. (Ord. 4099 § 5, 1979).

14.46.060 Permit - Terms and conditions. The permits shall be subject to all terms, conditions and restrictions, imposed by the department responsible for the management of the property to be affected, deemed necessary to preserve all characteristics consistent with public ownership; consequently, the general and specific terms, conditions and restrictions of the permits will vary according to, but not limited to, the following:

A. The property interest owned by King County;

B. All federal, state or local restrictions placed on the use of the property;

C. The purpose for acquiring the property;

D. Plans for the future development of the property;

E. The applicant's proposed use of the property; and

F. The individual characteristics of the property. (Ord. 4099 § 6, 1979).

14.46.070 Permit - Application - Required information. Applications for all permits shall be submitted, in writing, to the real property division. The application shall contain whatever information, including plans and specifications, the real property division shall require. (Ord. 4099 § 7, 1979).

14.46.080 Permit - Application and inspection fee. A. Each application requires a fifty dollar fee payable to the real property division for the administrative costs and expenses of processing the application.

B. In addition, the permittee is required to pay an inspection fee to the department responsible for the management of the property to be affected based on the time spent on the job by inspectors during or after construction. (Ord. 7020 § 1, 1984: Ord. 4099 § 8, 1979).

14.46.090 Review and certification by agencies. A. The real property division shall coordinate the review by all departments of permit applications.

B. The department responsible for the management of the property to be affected shall review and evaluate applications with respect to the hazard and risk of the proposed construction or use; location of the proposed construction or use in relation to other facilities using the property; the adequacy of the engineering and design of the proposed construction or use; and applicable federal, state, county and local laws and regulations.

C. The Seattle-King County department of public health shall review and evaluate applications for the construction of waterworks (except for domestic service connections) to determine consistency with state and local health and sanitation regulations.

D. The King County fire marshal shall review and evaluate applications for the construction of waterworks to determine consistency with county standards for water mains and fire hydrants.

E. All applications for the construction of sewer or water facilities must be certified by the division of building and land development as consistent with a sewer or water comprehensive plan approved by the county council pursuant to KCC Chapter 13.24.

F. In any case, the real property division shall forward the application to the department for recommendations on sensitive area issues and the real property division shall be responsible for assuring that any application meets the requirements of the sensitive areas code set out in K.C.C. Chapter 21.54 and the administrative rules promulgated thereunder before the permit is issued. (Ord. 9614 § 109, 1990: Ord. 4099 § 9, 1979).

14.46.100 Bond requirements. Prior to final approval of all permits, the department responsible for the management of the property to be affected shall determine the amount of the performance bond necessary to assure compliance with approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants, and to assure proper restoration of the property and the health and safety of the users of the property. The applicant shall submit the bond by an approved surety in the amount indicated. (Ord. 4099 § 10, 1979).

14.46.110 Notice of proposed use and commencement - Departmental coordination of permit approval. A. The applicant, at the time of submitting an application for a permit, shall notify all public and private utility entities known to be using or proposing to use the same public place of the applicant's proposed use and the proposed timing of any construction. Any such entity notified may, within seven days of such notification, request a delay in the commencement of any proposed construction for the purpose of coordinating other construction work on the property with that proposed by the applicant. The real property division. may delay the commencement date for the applicant's construction work on the property for ninety days or less if it finds that such delay will reduce the inconvenience to the public from construction activities, and it finds that such delay will not create undue economic hardship on the applicant.

B. The real property division shall also coordinate the approval of permits with the department responsible for the management of the property to be affected and may delay the commencement date for the applicant's construction work for ninety days or less upon making the findings described in subsection A. of this section.

C. The real property divison shall inform the Seattle-King County department of public health of permits for construction of waterworks (except domestic service connections), and the King County fire marshal of permits for waterworks. (Ord. 4099 § 11, 1979).

14.46.120 Notice to agencies of construction date. The permittee is required to give written notice of the date construction will begin to the following agencies: The department responsible for the management of the property to be affected; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); King County fire marshal for construction of waterworks. Failure to give such notice is grounds for the revocation or suspension of the permit. (Ord. 4099 § 12, 1979).

14.46.130 Permit revocation. Any permit issued by the authority of this chapter shall be revocable at any time that the department responsible for the management of the property affected shall determine that the public health, safety, general welfare, or public use requires such revocation, and the right to revoke is expressly reserved to King County. At a reasonable time prior to action upon such revocation or proposed revocation, opportunity shall be afforded to the permittee to present for consideration action or actions alternative to the revocation of such permit. (Ord. 4099 § 13, 1979).

14.46.140 Termination of privileges - Assessment. All privileges granted by the permits shall automatically terminate at such time as the permittee ceases to use the property and any facilities authorized by the permit. The

permittee may terminate the agreement by written notice to the manager of the Real Property Division. Upon revocation, termination or abandonment of any permit, the permittee shall remove at his expense all facilities placed on such property by the permittee and restore the premises to a condition which is equivalent in all respects to the condition existing prior to installation of the facilities or to a condition which is satisfactory to the county. If the permittee has not accomplished removal and restoration at the end of a ninety-day period following the effective date of revocation, termination or abandonment, the county may accomplish all of the necessary work and charge all of the costs to the permittee. (Ord. 4099 § 14, 1979).

14.46.150 Enforcement. In addition to other enforcement powers and not in limitation thereto, the manager of the Real Property Division is authorized to enforce the provisions of this chapter, and any rules and regulations adopted thereunder pursuant to the enforcement and penalty provisions of KCC Title 23. (Ord. 4099 § 15, 1979).

14.46.160 Rights reserved to county - Conformance and payment of cost required. The county reserves the right to use, occupy and enjoy its property for such purposes as it shall desire including but not limited to, constructing or installing structures and facilities on the property, or developing, improving, repairing or altering the property. The permittee upon written notice will at his own cost and expense, remove, repair, relocate, change or reconstruct such installations to conform with the plans of work contemplated or ordered by the county according to a time schedule contained in the written notice. (Ord. 4099 § 16, 1979).

14.46.170 Rule and regulation promulgation. The manager of the Real Property Division may promulgate any rules and regulations necessary for the operation of this chapter. (Ord. 4099 § 17, 1979).

14.46.180 Severability. If any provision of this chapter or its application to any person or circumstances is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 4099 § 18, 1979).

Chapter 14.48
SNOW EMERGENCY ROUTES

Sections:

14.48.010 Designation.
14.48.020 Publication.
14.48.030 Snow emergency - Declaration authority - News bulletin.
14.48.040 Coordination of snow removal activities with other jurisdictions.

14.48.010 Designation. Certain arterial highways and school bus routes in King County, to be identified and so designated by the director of public works, are declared snow emergency routes. Such snow emergency routes shall be the first roads and streets to be sanded and/or cleared of snow. (Ord. 1503 § 1, 1973).

14.48.020 Publication. The director of public works shall issue a news bulletin to all newspapers of general circulation serving King County, a listing of all such snow emergency routes. Such listing of snow emergency routes shall be prepared and a news bulletin issued within two weeks of January 29, 1973, and thereafter annually, prior to the second Monday in November. (Ord. 1503 § 2, 1973).

14.48.030 Snow emergency - Declaration authority - News bulletin. The director of public works or his authorized representative is empowered to declare a snow emergency. The director shall establish guidelines for conditions which will warrant the declaring of a snow emergency.

When a snow emergency is declared, the director shall issue an emergency news bulletin to all radio and television stations and newspapers serving King County, and to the director of public safety, so that there may be coordination for the deployment of personnel and equipment. (Ord. 1503 § 3, 1973).

14.48.040 Coordination of snow removal activities with other jurisdictions. The director of public works shall coordinate King County snow removal activities with federal, state, county and local jurisdictions located within or adjacent to King County for the purpose of continuity in clearing snow emergency routes. (Ord. 1503 § 4, 1973).

Chapter 14.52
SIDEWALKS, PLANTING STRIPS AND STREET TREES

Sections:

14.52.010 Definitions.
14.52.020 Sidewalk - Repair determination - Responsibility and costs.
14.52.030 Sidewalk - Notice to repair - Cost assessment.
14.52.040 Planting strip maintenance.
14.52.050 Sidewalk - Snow, ice and trash removal required when.
14.52.060 Sidewalk - Violation of Section 14.52.050 deemed misdemeanor.
14.52.070 Exemption from Sections 14.52.040 and 14.52.050 permitted when.
14.52.080 Street trees and plantings - Trimming limitations - Removal prohibited.

14.52.010 Definitions. Terms used in this chapter with relation to sidewalks, planting strips and curbs shall have the meanings as set forth in this section:

A. "Curb" means a cement, concrete or asphaltic concrete raised structure designed to delineate the edge of the roadway and to separate the vehicular portion from that provided for pedestrians and to control surface drainage.

B. "Planting strip" means that portion of the right-of-way behind the curbline and between the curbline and the sidewalk or between the sidewalk and the right-of-way line used for the planting of trees, grass, shrubs or ground cover.

C. "Sidewalk" means that property between the curbline and the adjacent

property, set aside and intended for the use of pedestrians, improved by paving with cement concrete or asphaltic concrete. (Ord. 3027 § 1, 1976).

14.52.020 Sidewalk - Repair determination - Responsibility and costs. Whenever a portion of any street or road, including any boulevard, avenue, lane or place, is improved by a sidewalk thereon, and the sidewalk shall have become unfit or unsafe for public travel, the department of public works may determine that the repair of that portion of sidewalk is necessary for the public safety and convenience. If the department does so find, the duty, burden and expense of repair shall be the responsibility of the abutting property owner; provided, that the abutting property owner shall not be charged with any costs of repair in excess of twenty-five percent of the valuation of the abutting property, exclusive of improvements. (Ord. 3027 § 2, 1976).

14.52.030 Sidewalk - Notice to repair - Cost assessment. Whenever the department of public works has determined that a portion of a sidewalk has become unfit or unsafe for public travel, the department shall serve a written notice on the owner of the abutting property, instructing the owner to repair the sidewalk in accordance with standard plans and specifications which shall be attached to the notice. The notice may be delivered in person to the owner, to the resident of the property, or by mail to the last known address of the property owner. If the owner is unknown, a copy of the notice shall be posted in a conspicuous place on the portion of the street where the improvements are to be made. The notice shall specify a reasonable time for such construction or reconstruction and shall also state that in the event the project is not completed within the time period specified, the department of public works will proceed to have the improvements completed. Following completion, the department will report to the council an assessment roll showing the lots or parcels abutting the project and the name of the owner(s). Upon expiration of the normal time for hearing protests as specified in RCW 36.88.090, the council shall assess the cost for the improvement against the abutting property owner which shall become a lien against the property if not paid. (Ord. 3027 § 3, 1976).

14.52.040 Planting strip maintenance. Maintenance of planting strips including trees, shrubbery, grass or other ground cover shall be the responsibility of the abutting property owner. Should the director of public works find that such property is not being properly maintained, a notice shall be forwarded as provided in Section 14.52.030, specifying a reasonable time within which such maintenance shall be accomplished. If the owner fails to proceed, the department of public works will have the maintenance performed, and the cost will be assessed against the property owner as provided in Section 14.52.030. (Ord. 3027 § 4, 1976).

14.52.050 Sidewalk - Snow, ice and trash removal required when. It is unlawful for any person, firm or corporation owning real property within the unincorporated area to permit the accumulation of snow, ice, trash or any other matter on an existing sidewalk which impedes the normal flow of pedestrian traffic. In the event the property is owned by a person not a resident of King County, a reasonable period of time shall be provided for the owner or his agent to remove the material. If such removal is not accomplished within a reasonable period of time, the director of public works

may have the sidewalk cleaned and the cost thereof shall be a lien on the property. (Ord. 3027 § 5, 1976).

14.52.060 Sidewalk - Violation of Section 14.52.050 deemed misdemeanor. Each day any sidewalk, or driveway portion thereof, is permitted to remain in a hazardous condition as specified in Section 14.52.050 of this chapter shall be considered and shall constitute a separate violation. Violation of Section 14.52.050 shall constitute a misdemeanor and shall be punished as provided by law. (Ord. 3027 § 6, 1976).

14.52.070 Exemption from Sections 14.52.040 and 14.52.050 permitted when. Residents whose property is substantially higher or lower in elevation than the street who do not have street access from one or more sides of their property may apply for an exemption from the provisions of Sections 14.52.040 and 14.52.050 of this chapter. Exemptions may be granted by the county engineer based upon standards which shall be established by the department. (Ord. 3027 § 7, 1976).

14.52.080 Street trees and plantings - Trimming limitations - Removal prohibited. A. Notwithstanding any provision of franchise agreements, street trees planted within the public right-of-way along roads under the jurisdiction of King County shall not be removed or cut back so as to generally damage the aesthetic quality of the tree. Such trimming, when required by power or telephone companies to safeguard their wires, shall be done in a manner that preserves the general appearance of the tree. The same provisions shall be applicable to others in that trees, shrubs and other plantings shall not be removed or otherwise trimmed so as to damage the general appearance of the planting areas.

B. Judicious trimming is permitted in such areas that will provide proper sight distance for intersections and such traffic warning or regulatory signs that are in place. (Ord. 3027 § 8, 1976).

Chapter 14.56
NON-MOTORIZED VEHICLE PROGRAM

Sections:

14.56.010 Findings and declaration of purpose.
14.56.020 Program established.
14.56.030 Coordinator - duties and responsibilities.
14.56.040 Non-motorized vehicle advisory committee.

14.56.010 Findings and declaration of purpose. Non-motorized transportation, in the form of pedestrian, bicycle and equestrian travel in King County, should be safe. The prevention of accidents is a paramount element in the design and operation of all county transportation facilities as well as in developed and newly developing communities in the county. This policy is consistent with the King County Comprehensive Plan and the plans and programs for county parks and recreation. Therefore, it is the intent of the King County council to seek a coordinated administration of these non-motorized transportation goals and policies through the development of a functional plan which defines service levels, facility standards, funding mechanisms, project engineering, and design and operation to be conducted through a public review process. (Ord. 8421 § 2, 1988).

14.56.020 Program established. There is established a non-motorized vehicle program to meet the following goals and objectives:

A. To identify and document the needs of non-motorized transportation in King County, including bicyclists, equestrians, pedestrians, and special populations;

B. To determine ways that the existing county transportation network can be made more responsive to the needs of non-motorized users;

C. To inform and educate the public on issues relating to non-motorized transportation;

D. To institute the consideration of non-motorized transportation in all related county-funded programs, and to encourage the same consideration on an interlocal and regional basis;

E. To improve non-motorized transport users and motorists compliance with traffic laws; and

F. To guide development of a county functional plan for non-motorized transportation, to implement the adopted policies established in the county comprehensive plan, the county transportation plan, and current programs within county government. (Ord. 8421 § 3, 1988).

14.56.030 Coordinator - duties and responsibilities. There shall be assigned within the department of public works, a coordinator who shall be accountable to the public works director or designee for carrying out the following duties and responsibilities.

A. To coordinate the development and implementation of the non-motorized vehicle program;

B. To provide staff support to the non-motorized advisory committee; to include attending all regular meetings of the advisory committee, consulting with and reporting regularly to said committee on the workings and activities of the non-motorized program;

C. To work with governmental agencies to identify, develop and promote programs that encourage the use of non-motorized modes of transportation;

D. To make recommendations to the director of public works through the non-motorized advisory committee on legislation, policies, programs and funding necessary to carry out the purposes of this chapter. (Ord. 8421 § 3, 1988).

14.56.040 Non-motorized vehicle advisory committee. A. Establishment and composition.

1. There is established a King County non-motorized vehicle advisory committee to be composed of thirteen members, who shall represent the geographic and ethnic diversity of communities in King County. No more than four members shall reside within any one municipal jurisdiction.

2. The committee members shall be appointed by the county executive, subject to confirmation by the county council. Adequate representation from all council districts shall be considered by the executive in making committee appointments. To accomplish this, the executive shall request from councilmembers nominations of residents from their respective districts.

3. Committee members shall represent the bicycling community, the equestrian community, and parties interested in pedestrian facility improvement. Additionally, the executive may appoint members who represent industries, organizations, and outside government agencies who have a knowledge of, and interest in, non-motorized vehicle issues.

4. Once constituted, the committee shall establish terms of appointment by lot. Six members shall serve one year; and seven members shall serve two years. After the initial term, all appointments shall be for two year terms. Committee members may serve two terms or a maximum of five consecutive years. Any vacancies occurring in the membership of the committee during an appointed term shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

B. Duties and responsibilities.

1. The King County non-motorized vehicle advisory committee shall act in an advisory capacity to the director of public works, county executive, county council, and other county agencies in matters related to non-motorized transportation, with a focus on the promotion of non-motorized transportation as a convenient, healthy, and energy-efficient means of transportation.

2. The committee shall examine and define issues pertaining to the provision of safe and convenient non-motorized access to the transportation system of King County, including but not limited to: the design of commercial and industrial areas (including the development of design guidelines for non-motorized facilities in such area); providing safe and convenient non-motorized access to schools, parks, and shopping; the development and implementation of equitable and consistent standards for non-motorized transportation in residential areas.

3. The committee shall also serve to enhance citizen input into the King County planning process, particularly in the development and review of the King County Functional Plan for non-motorized transportation, including gathering data and disseminating information to the public in order to implement the purposes of this chapter.

C. Organization and meetings.

1. The King County non-motorized advisory committee shall elect its officers, including a chair, vice-chair, and such other officers as it may deem necessary. Such officers shall occupy their respective offices for a period of one year.

2. The advisory committee shall hold regular public meetings at least quarterly. Committee meetings shall be open to the public, may encourage participation by non-members on particular issues. (Ord. 8421 § 5, 1988).

Chapter 14.60
COMMUTE TRIP REDUCTION

Sections:

14.60.010 Definitions.
14.60.020 Plan, base year values and zones.
14.60.030 Applicability.
14.60.040 Employer program requirements.
14.60.050 Schedule for submittal, review and implementation.
14.60.060 Criteria for goal attainment.
14.60.070 Credits, goal and program modifications, and exemptions.
14.60.080 Appeals.
14.60.090 Enforcement.
14.60.100 Administrative rules and procedures.
14.60.200 Severability.

14.60.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Affected employee" means a full-time employee who begins his or her regular work day at a single work site between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays.

B. "Affected employer" means a public or private employer that, for twelve (12) consecutive months, employs one hundred (100) or more affected employees at a single work site who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays. The intent is to include any employer that has one hundred (100) or more full-time employees on site between 6:00 a.m. and 9:00 a.m. (inclusive), even if the individual employees vary over time. Construction work sites are excluded from this definition when the expected duration of the construction is less than two years.

C. "Alternative mode" means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed work weeks if they result in reducing commute trips.

D. "Alternative work schedules" mean programs such as compressed work weeks that eliminate work trips for affected employees.

E. "Base year" means the period from January 1, 1992 through December 31, 1992, on which goals for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle (SOV) trips are based.

F. "Carpool" means a motor vehicle occupied by two (2) to six (6) people traveling together for their commute trip that results in the reduction of at least one (1) motor vehicle commute trip.

G. "Commute trips" mean trips made from a worker's home to a work site for a regularly scheduled work day beginning between 6:00 a.m. and 9:00 a.m. (inclusive) on weekdays.

H. "CTR plan" means the county's commute trip reduction plan (as adopted by Ordinance 10733) to regulate and administer the CTR programs of affected employers within its jurisdiction.

I. "CTR program" means an employer's strategies to reduce affected employees' SOV use and VMT per employee.

J. "CTR zone" means an area, such as a census tract or combination of census tracts, within unincorporated King County characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of SOV commuting.

K. "Commute Trip Reduction Task Force Guidelines, July 1992" means the guidelines adopted by the State Commute Trip Reduction Task Force as established by RCW 70.94.537.

L. "Compliance" means fully implementing all provisions in an approved CTR program within the deadlines established in this chapter and meeting or exceeding VMT and SOV goals of this chapter.

M. "Compressed work week" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one (1) work day every two (2) weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four (4) ten-hour working days or eighty (80) hours in nine (9) working days, but may also include other arrangements. Compressed work weeks are understood to be an ongoing arrangement.

N. "Director" means the director of the department of public works or his authorized designee.

O. "Employee" means anyone who receives financial or other compensation in exchange for work provided to an employer, including owners and partners of the employer.

P. "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, non-profit, or private, that employs workers.

Q. "Exemption" means a waiver from CTR program requirements granted to an employer by the county based on unique conditions that apply to the employer or employment site.

R. "Flex-time" is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.

S. "Full-time employee" means a person other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two (52) weeks for an average of at least thirty-five (35) hours per week.

T. "Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521-551 and this chapter as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to their CTR program and schedule.

U. "Mode" means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, and walking.

V. "Peak period" means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

W. "Peak period trip" means any employee trip that delivers the employee to a work site to begin his or her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

X. "Proportion of single-occupant vehicle trips" or "SOV rate" means the number of commute trips over a set period made by affected employees in SOV's divided by the number of affected employees working during that period.

Y. "Single-occupant vehicle (SOV)" means a motor vehicle occupied by one (1) employee for commute purposes, including a motorcycle.

Z. "Single-occupant vehicle (SOV) trips" means trips made by affected employees in SOV's.

AA. "Single work site" means a building or group of buildings occupied by one or more major employers which are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way.

BB. "Telecommuting" means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

CC. "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool.

DD. "Transportation demand management (TDM)" means a program designed to reduce SOV commute travel during the peak commute traffic period between 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday.

EE. "Transportation management organization (TMO)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific city limits, or may have a sphere of influence that extends beyond city limits.

FF. "Vanpool" means a vehicle occupied by seven (7) to fifteen (15) people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero (0) vehicle trips.

GG. "Variable work schedule" means a work schedule that includes rotating shifts whereby the employee is assigned different start times during the year, non-continuous schedules whereby an employee reports to the work site only during specified periods of a continuous twelve (12) month period, or other work schedule arrangements outside of a regularly scheduled continuous work period.

HH. "Vehicle miles traveled (VMT) per employee" means the sum of the distance in miles of individual vehicle commute trips made by affected employees over a set period divided by the number of affected employees during that period.

II. "Week" means a seven (7) day calendar period, starting on Monday and continuing through Sunday.

JJ. "Weekday" means any day of the week except Saturday or Sunday.

KK. "Writing," "written," or "in writing" means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery. (Ord. 10733 § 1, 1993).

14.60.020 Plan, base year values and zones. A. The 1993 King County Commute Trip Reduction Plan, which is Attachment A* to Ordinance 10733, is wholly incorporated herein by reference.

B. The goals for reducing vehicle miles traveled per employee and the SOV rate for all major employers shall not be less than a fifteen (15) percent reduction from the base year value of the commute trip reduction zone in which their work site is located by January 1, 1995, twenty-five (25) percent reduction from the base year values by January 1, 1997, and thirty-five (35) percent reduction from the base year values by January 1, 1999. Employers which become affected employers after the passage of Ordinance 10733 shall have two (2) years to meet the first goal of fifteen (15) percent, four (4) years to meet the second goal of twenty-five (25) percent, and six (6) years to meet the third goal of thirty-five (35) percent from the time they begin their commute trip reduction program.

* Available in the office of the clerk of the council.

C. Commute trip reduction zones shall be the zones in Attachment B* to Ordinance 10733, which are applicable to the unincorporated areas of the county. The base year values for affected employers shall be the base year values for SOV and VMT in Attachment C* to Ordinance 10733 which are applicable to the unincorporated areas of the county. Base year values shall be reconsidered after the 1990 U.S. Census work-end commute trip data is available. If base year values are revised, the new base year values will take effect one-hundred eighty (180) days after being adopted by ordinance. (Ord. 10733 § 2, 1993).

14.60.030 Applicability. The provisions of this chapter shall apply to any affected employer at any single work site within unincorporated King County. Employees will be counted only at their primary work site. Seasonal agricultural employees, including seasonal employees of processors of agricultural products are excluded from the count of affected employees. It is the responsibility of the employer to notify the county of a change in status as an affected employer.

A. Employers that meet the definition of an affected employer when Ordinance 10733 becomes effective and that do not submit a CTR program description within one hundred eighty (180) calendar days from approval of Ordinance 10733 are in violation.

B. An employer that meets the definition of affected employer after Ordinance 10733 becomes effective must submit a CTR program description within one hundred eighty (180) calendar days of the due date of the first quarterly submittal of Washington Employment Security Employer's Quarterly Report of Employee's Wages after having achieved affected employer status. An employer whose number of employees increases to one hundred (100) or more affected employees shall be considered an affected employer beginning with the due date of the next quarterly submittal of the Washington Employment Security Employer's Quarterly Report of Employee's Wages.

C. If an affected employer no longer employs one hundred (100) or more affected employees and expects not to employ one hundred (100) or more affected employees for the next twelve (12) months, that employer is no longer an affected employer beginning with the next quarterly submittal of the Washington Employment Security Employment Security Employers' Quarterly Report of Employee's Wages. It is the responsibility of the employer to provide documentation to the county that it is no longer an affected employer. If the same employer returns to the level of one hundred (100) or more affected employees within the same twelve (12) month period, that employer will be considered an affected employer for the entire twelve (12) month period and will be subject to the same program requirements as other affected employers. If the same employer returns to the level of one hundred (100) or more affected employees more than twelve (12) months after its change in status to an "unaffected" employer, that employer shall be treated as a new affected employer beginning with the due date of the next quarterly submittal of the Washington Employment Security Employer's Quarterly Report of Employee's Wages, and will be subject to the same program requirements as other new affected employers.

D. An affected employer that has a work site located in both unincorporated King County and an adjacent county or one or more cities may jointly, with one of those jurisdictions, petition the county in writing at least sixty (60) calendar days prior to submittal of the employer's CTR program description or annual report to request that the employer be allowed to report to, and be governed by, the applicable commute trip reduction laws and regulations of that jurisdiction. If such request is granted, it shall be in effect for as long as the county receives copies of the employer's CTR program, annual reports and any administrative decisions or actions taken by the jurisdiction or its agents in regard to the employer. (Ord. 10733 § 3, 1993).

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*Available in the office of the clerk of the council

14.60.040 Employer program requirements. The employer's CTR program description shall be prepared according to a format provided by the county.

A. The employer's CTR program is to contain the following required elements:

1. At a minimum, the employer's CTR program description must include:

a. A general description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees that affect commute mode choice;

b. Total number of employees at the work site and the number of employees affected by the CTR program;

c. Documentation of compliance with the mandatory CTR program elements (as described in K.C.C. 14.60.040 A.2);

d. Description of the additional elements included in the CTR program (as described in K.C.C. 14.60.040 A.3);

e. Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

2. The employer's CTR program shall include the following mandatory elements:

a. The employer shall designate a transportation coordinator to administer the CTR program. An affected employer with multiple sites may have one transportation coordinator for all sites. The coordinator's name, location, and telephone number must be displayed prominently at each affected work site. The coordinator shall oversee all elements of the employer's CTR program.

b. The employer shall provide information about alternatives to SOV commuting to employees at least once a year. This information shall consist of, at a minimum, a summary of the employer's program, including the ETC's (Employee Transportation Coordinator's) name and telephone number. Employers must also provide a summary of their program to all new employees at the time of hire. Each employer's program description and annual report must report the information to be distributed and the method of distribution.

c. The CTR program must include an annual review of affected employee commuting and of progress toward meeting the SOV and VMT reduction goals as established in K.C.C. 14.60.020.

d. The CTR program shall list all records to be maintained to document the employer's program and progress toward meeting SOV and VMT goals. Records shall be retained for a minimum of twenty-four (24) months.

3. The employer's CTR program shall include at least one additional element needed to meet CTR goals. Such additional elements may include but are not limited to the following options:

a. Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

b. Instituting or increasing parking charges for SOV's;

c. Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

d. Provision of subsidies for transit fares;

e. Provision of vans for vanpools;

f. Provision of subsidies for carpools or vanpools;

g. Permitting the use of the employer's vehicles for carpooling or vanpooling;

h. Permitting flexible work schedules to facilitate employees' use of transit, carpools, or vanpools;

i. Cooperation with transportation providers to provide additional regular or express service to the work site;

j. Construction of special loading and unloading facilities for transit, carpool and vanpool users;

k. Provision of bicycle parking facilities, locker, changing areas, and showers for employees who bicycle or walk to work;

l. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;

m. Establishment of a program to permit employees to work part or full time at home or at an alternative work site closer to their homes;

n. Establishment of a program of alternative work schedules, such as a compressed work week, which reduce commuting; and

o. Implementation of other measures designed to facilitate the use of high occupancy vehicles, such as on-site day care facilities and emergency taxi services.

B. Transportation management organizations or other business partnerships, may submit a single program description that describes common program elements among two or more affected employers. The program should also describe specific program elements at each individual employer's work site. The transportation management organization, as an agent for its members, should provide individual performance data for each company as well as combined measurements to the county. Program modifications shall be specific to an employer. Each employer shall remain responsible for meeting the requirements of this chapter. (Ord. 10733 § 4, 1993).

14.60.050 Schedule for submittal, review and implementation. A. Not more than one-hundred eighty (180) calendar days after the effective date of Ordinance 10733 (March 8, 1993) or within one-hundred eighty (180) calendar days after an employer achieves status as an affected employer as provided in K.C.C. 14.60.030, an affected employer shall submit to the county for review a CTR program description as provided in K.C.C. 14.60.040. The employer shall implement a CTR program not more than one hundred eighty (180) days after the CTR program description submittal. The employer shall implement approved program modifications within thirty (30) calendar days of the final administrative decision on such modifications.

B. Upon review of an employer's CTR program description, the county shall establish the employer's annual reporting date. Each year on the employer's reporting date, the employer shall submit an annual CTR program report to the county. The county shall provide the format for the annual report. At least thirty (30) calendar days prior to the date an annual report is due or program modifications are to be implemented, an employer may make written request for an extension of up to ninety (90) calendar days to complete this action. The county shall grant all or part of the extension request, or deny the request within ten (10) working days of receipt. If the county fails to respond within ten (10) working days, the extension is automatically granted for thirty (30) calendar days.

C. The county shall complete review of the employer's program description, annual report, or exemption request within ninety (90) calendar days of receipt. The county shall provide the employer with written notification of the decision to approve required program modifications, or disapprove the employer's CTR program, annual report, or exemption request including the cause for disapproval. If the employer does not receive written notification of the acceptance or rejection of the employer's CTR program description, annual report, revised CTR program, or exemption within the deadlines established in this subsection, they shall be deemed accepted. An affected employer shall implement a CTR program within one-hundred eighty (180) calendar days of submitting its initial CTR program description regardless of the status of decisions concerning its approval. Thereafter the employer shall implement required program revisions within thirty (30) calendar days of the final administrative decision on program requirements.

D. Employers may request exemptions, goal modifications, or credit for TDM programs that existed prior to 1992 at least two (2) months prior to the due date for the employer's initial CTR program description submittal. Employers may request exemptions, goal modifications, program modifications, and program exemption credit as part of the annual report. Employers may request exemptions and program modifications at any time. (Ord. 10733 § 5, 1993).

14.60.060 Criteria for goal attainment. The following criteria for achieving goals for VMT per employee and proportion of SOV trips shall be applied during the review of employer programs and progress reports in determining requirements for employer CTR program modifications:

A. If an employer meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify the CTR program;

B. If an employer meets the goal for proportion of SOV trips but not for VMT per employee, the county may recommend program modifications, but in recognition of the employer's successful efforts in reducing SOV trips, will not penalize the employer if it does not implement recommended modifications;

C. If an employer fails to meet both the VMT per employee goal and the SOV rate goal, the county shall propose modifications to the CTR program and direct the employer to revise its program, and may penalize the employer if it does not implement recommended modifications. (Ord. 10733 § 6, 1993).

14.60.070 Credits, goal and program modifications, and exemptions. A. Employers that have implemented TDM programs to reduce SOV commute travel by employees prior to the 1992 base year may apply for TDM program exemption credit at least two (2) months prior to the due date for the employer's initial CTR program description submittal. Such employers shall be considered to have met their 1995 CTR goals if their VMT per employee and proportion of SOV trips are equivalent to a twelve (12) percent or greater reduction from the employers' base year zone values. This three (3) percentage point credit applies only to the 1995 CTR goals. Application shall include results from a survey of employees or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in the Commute Trip Reduction Task Force Guidelines (July 1992).

B. Affected employers that have rates of VMT per employee and proportion of SOV trips that are equal to or less than goals for one or more future goal years, may apply to be exempted from CTR program requirements at least two (2) months prior to the due date for their initial in their CTR program description submittal or as part of an annual progress report. Application shall include results from a survey of employees or equivalent information that establishes the applicant's VMT per employee and proportion of SOV trips. The survey or equivalent information shall conform to all applicable standards established in the Commute Trip Reduction Task Force Guidelines (July 1992). Employers that apply for an exemption and whose rates of VMT per employee and proportion of SOV trips are determined by the county to be equal to or less than goals for one or more future goal years, and commit in writing to continue their current level of effort, shall be exempt from the requirements of this chapter except for the requirement to report performance in annual reports for their goal years as specified in K.C.C. 14.60.020A. If any of these reports indicate the employer does not satisfy the next applicable goal, the employer shall immediately become subject to all requirements of this chapter.

C. For purposes of counting commute vehicle trips, telecommuting, alternative work schedules (excluding flex-time), bicycling, and walking shall count as one and two-tenths (1.2) vehicle commute trips eliminated. This also applies to VMT per employee. A transit trip counts as zero (0) vehicle trips. A vanpool trip counts as zero (0) vehicle trips.

D. An employer may request a modification of CTR program goals under the following conditions:

1. The employer demonstrates that it requires employees to use the vehicles they drive to work during the work day for work purposes. Under this condition, the applicable goals will not be changed, but those employees who need daily access to the vehicles they drive to work will not be included in the calculations of proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute mode exists for these employees and that the vehicles cannot reasonably be used for carpools or vanpools.

2. The employer demonstrates that its work site is contiguous with a CTR zone boundary and that the work site conditions affecting alternative commute options are similar to those for employers in the adjoining CTR zone. Under this condition, the employer's work site may be made subject to the same goals for VMT per employee and proportion of SOV trips as employers in the adjoining CTR zone. The employer's request for a modification based on these conditions must be made to the county at least 90 days prior to the due date for submittal of the employer's CTR program description.

3. The employer demonstrates that it has significant numbers of its employees assigned to variable work schedules which makes it unreasonable to expect that such employees regularly participate in CTR programs. The employer shall provide documentation indicating how many employees meet this condition and must demonstrate that no reasonable alternative commute mode program can be developed for these employees. Under this condition, the applicable goals will not be changed, but those employees who are assigned to variable work schedules will not be included in the calculations of the proportion of SOV trips and VMT per employee used to determine the employer's progress toward program goals.

4. Beginning with the employer's first goal year, modifications may be requested due to unanticipated conditions:

a. The employer demonstrates that opportunities for alternative commute modes do not exist due to factors related to the work site, its work force, or characteristics of the business that are beyond the employer's control.

b. Other conditions that can be demonstrated by the affected employer to warrant a modification.

E. An affected employer may request modification of CTR program elements, other than the mandatory elements specified in K.C.C. 14.60.040. Such request may be granted if one of the following conditions exist:

1. The employer demonstrates that it would be unable to comply with one or more of the additional CTR program elements for reasons beyond the control of the employer; or

2. The employer demonstrates that compliance with one or more of the additional program elements would constitute an undue hardship; or,

3. The employer demonstrates that another program element would be as effective or more effective than an approved additional program element. Modifications granted for the first two conditions must be re-approved as part of the annual program review.

F. An affected employer may request an exemption from all CTR program requirements for a particular work site in the CTR program description or annual reports. An exemption may be granted if and only if the employer demonstrates that it faces extraordinary circumstance, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of SOV trips and VMT per employee. The county shall review annually all employers receiving exemptions, and shall determine whether the exemptions will be in effect during the following program year. (Ord. 10733 § 7, 1993).

14.60.080 Appeals. Any affected employer may request reconsideration of the decision by the director of the department of public works who shall issue the final appealable decision on CTR exemptions, modification of goals, or modification of CTR program elements and of finding of violation pursuant to K.C.C. 14.60.090. A written appeal must be filed within fifteen (15) calendar days of the employer's receipt of the county's final administrative decision with the King County zoning and subdivision examiner pursuant to K.C.C. 20.24. The appeal must state the decision being appealed and the grounds for the request. Appeals will be evaluated to determine if the administrative decisions were consistent with this chapter. (Ord. 10733 § 8, 1993).

14.60.090 Enforcement. A. Each day an employer fails to accomplish the following shall constitute a separate violation and may be subject to civil penalty of $250 per violation pursuant to applicable procedures established in Title 23 K.C.C.

1. By the deadlines established in this chapter, implement an approved CTR program including the submittal of a complete CTR program description upon which the approval shall be based.

2. By the deadlines established in this chapter, modify an unacceptable CTR program after 1995 and to submit annual reports by which the need for program modifications will be determined.

B. Submission of fraudulent data shall be a violation and may be subject to civil penalty of $250 per violation pursuant to applicable procedures established in Title 23 K.C.C. Each day from the date of receipt of such information by the county shall constitute a separate violation.

C. An employer shall not be liable for civil penalties if failure to achieve a CTR program goal or to implement an element of an approved CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act and advise the union of the existence of the statute and the mandates of the employer's approved CTR program and advise the union that the proposal being made is necessary for compliance with state law.

D. Affected employers shall be given fifteen (15) days written notice of the county's intent to seek civil penalties. (Ord. 10733 § 9, 1993).

14.60.100 Administrative rules and procedures. The director of the department of public works is hereby instructed and authorized to adopt such administrative rules and procedures as are necessary to implement the provisions of this act. (Ord. 10733 § 10, 1993).

14.60.200 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 10733 § 11, 1993).