



MEMORANDUM

TO: Monica Martinez Simmons, Seattle City Clerk; and
Deborah Kennedy, Manager, King County Archives, Records Management & Mail Services

FROM: Calvin Goings, Director of the Seattle Department of Finance and Administrative Services; and
Caroline Whalen, Director of the King County Department of Executive Services

DATE: April 3, 2020

SUBJECT: Emergency rule to adopt FOR-HIRE TRANSPORTATION-03-2020 and King County Rule ACO-8-22-PR,
entitled "Reimbursement from the Wheelchair Accessible Services Fund Emergency Rule"

The attached emergency rule, entitled "Reimbursement from the Wheelchair Accessible Services Fund Emergency Rule," is jointly adopted by the Seattle Department of Finance and Administrative Services (FAS), pursuant to SMC 3.02.050 and the FAS Director's rule making authority under SMC 6.310.140; and the King County Department of Executive Services (DES), pursuant to KCC 2.98.070 and the DES Director's rule making authority under KCC 6.64.021.

Background:

This emergency rule temporarily revises the joint Seattle-King County rule governing reimbursement from the Wheelchair Accessible Services (WAS) Fund (City of Seattle Director's Rule FOR-HIRE TRANSPORTATION-01-2020 / King County Public Rule FIN-10-3-1-PR).

The City of Seattle (the City) and King County (the County) each created a WAS Fund to help offset higher operational costs for owners and drivers of wheelchair accessible taxicabs, for-hire vehicles and TNC-endorsed vehicles (collectively referred to as wheelchair accessible vehicles, or WAVs).

Purpose:

This emergency rule is adopted in response to the emergency created by the novel coronavirus (COVID-19), as evidenced by the Mayoral Proclamation of a Civil Emergency issued by Seattle Mayor Jenny A. Durkin on March 3, 2020 and the emergency declaration announced by King County Executive Dow Constantine on March 2, 2020. To date, COVID-19 has caused local deaths and serious infections, including pneumonia. Furthermore, while absolutely necessary to protect public health, efforts to slow the spread of the virus – including increased teleworking, school closures, mandatory cancellation of large social gatherings and events, mandatory closure of certain businesses, and other "social distancing" measures – have resulted in a significant disruption of service.

By temporarily removing an obstacle to reimbursement that is no longer tenable given the ongoing public health crisis, and allowing eligible WAV owners and drivers to more quickly access certain WAS Fund reimbursement types that offset higher operational costs, this emergency rule is designed to help ensure that vital transportation services continue to be available to people with disabilities during the ongoing COVID-19 crisis and beyond.

April 2020


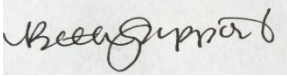


Scope & Timeline:



This emergency rule makes the following temporary changes to the WAS Fund reimbursement program:

- 1) Effective March 1, 2020, WAV vehicle owners and drivers will be eligible for shift-based reimbursements (i.e., reimbursements for WAV fuel costs, off-peak shifts, and additional shifts) even if they do not provide a minimum of 20 trips per month to passengers in wheelchairs; and
- 2) Rather than waiting until the end of 2020, reimbursements for maintenance and equipment costs incurred in 2020 will be processed and paid quarterly.¹ Furthermore, WAV vehicle owners will not be required to demonstrate that the vehicle provided a minimum of 250 trips per year to passengers in wheelchairs in order to qualify for this reimbursement.

This emergency rule takes effect immediately upon filing for a period of 60 days. Unless further action is taken to extend these temporary changes or make them permanent, these provisions will expire after 60 days.

¹ NOTE: Because this emergency rule expires after 60 days, this will only apply to costs incurred during the first quarter of 2020. To continue processing and paying vehicle maintenance and equipment reimbursements on a quarterly basis beyond the first quarter of 2020, additional action would be required.

 Seattle		
Department: City of Seattle Department of Finance and Administrative Services	Rule No: FOR-HIRE TRANSPORTATION- 03-2020	Revises: Clerk File 321583
	Publication: 4/6/2020	Effective: 4/6/2020 through 6/5/2020
Subject: Reimbursement from the Wheelchair Accessible Services Fund Emergency Rule	Code and Section Reference(s): SMC 6.310.175 SMC 6.310.140 (rulemaking authority)	
Approved:  _____ Division Director  _____ Business Unit Officer  _____ Calvin W. Goings, Department Director	_____ April 3, 2020 Date _____ April 3, 2020 Date _____ April 6, 2020 Date	

 King County		
Department: King County Department of Executive Services	Document Code No.: KCC Rule ACO-8-22- PR	Revises: FIN-10-3-1-PR
	Sponsoring Agency: Records and Licensing Services Division (RALS)	Publication: 4/6/2020
Title: Reimbursement from the Wheelchair Accessible Services Fund Emergency Rule	Authorities: KCC 6.64.111 KCC 6.64.021 (rulemaking authority)	
Approved:  _____ Department Director	_____ 4/6/2020 Date	

FOR-HIRE TRANSPORTATION-03-2020 and ACO-8-22-PR

**FOR-HIRE TRANSPORTATION-03-2020 and ACO-8-22-PR
Reimbursement from the Wheelchair Accessible Services Fund Emergency Rule**

- I. **Purpose:** The purpose of this emergency rule is to help ensure the continued availability of wheelchair accessible for-hire transportation during the ongoing crisis caused by the outbreak of the novel coronavirus (COVID-19). The Director finds that immediate temporary amendment of the rule is necessary for the preservation of public health, safety and general welfare, and that the time associated with the formal review process would be contrary to public interest. These findings are based on the following:
- People with disabilities are especially vulnerable during the COVID-19 outbreak and they still need to get to and from various essential appointments. WAVs therefore serve as a lifeline for people with disabilities during the ongoing COVID-19 outbreak, as they provide transportation while limiting the passenger’s exposure to others.
 - Without immediate action, the ongoing COVID-19 emergency may eliminate this service or cause severe impacts to the continuity of accessible transportation.

This emergency rule temporarily revises the joint City of Seattle (City) and King County (County) rule governing reimbursements from the Wheelchair Accessible Services (WAS) Fund (City of Seattle Director’s Rule FOR-HIRE TRANSPORTATION-01-2020 and King County Public Rule FIN-10-3-1-PR). These revisions will temporarily remove an obstacle to reimbursement that is no longer tenable given the ongoing public health crisis, and allow eligible owners and drivers of wheelchair accessible for-hire vehicles (WAVs) to more quickly access certain WAS Fund reimbursement types.

- II. **Rule:** Unless otherwise noted below, all provisions established in Seattle Director’s Rule FOR-HIRE TRANSPORTATION-01-2020 and King County Public Rule FIN-10-3-1-PR remain in effect.

Sections III.B.2.b.i and III.B.2.b.ii of City of Seattle Director’s Rule FOR-HIRE TRANSPORTATION-01-2020 and King County Public Rule FIN-10-3-1-PR – Reimbursement from the Wheelchair Accessible Services Fund read as follows:

b. WAV Eligibility Requirements for Shift-Based Reimbursements.

- i. To be eligible for WAV fuel costs and off-peak Shift reimbursement, the driver must demonstrate that the driver performed a minimum of 20 trips with a passenger using a wheelchair (TPWs) during the same calendar month in which the Shift occurred. Contract Trips do not count towards the 20 TPWs required for eligibility.
- ii. To be eligible for reimbursement of the additional Shifts reimbursement, the WAV vehicle owner must demonstrate that the vehicle performed a minimum of 20 TPWs during the same calendar month in which the Shift occurred. Contract Trips do not count towards the 20 TPWs required for eligibility.

This emergency rule implements the following provision:

For Shifts performed on or after March 1, 2020, notwithstanding sections III.B.2.b.i and III.B.2.b.ii, WAV drivers and vehicle owners will not be required to demonstrate that the driver/vehicle performed a minimum of 20 TPWs during the same calendar month in which the Shift occurred in order to be eligible for Shift-based reimbursements.

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Section III.B.5 of City of Seattle Director's Rule FOR-HIRE TRANSPORTATION-01-2020 and King County Public Rule FIN-10-3-1-PR– Reimbursement from the Wheelchair Accessible Services Fund reads as follows:

5. **Reimbursements for Vehicle Maintenance and Equipment.** This reimbursement category is payable to WAV vehicle owners to help offset the costs associated with vehicle conversion and maintaining an existing vehicle to be wheelchair accessible.
- a. WAV vehicle owners who meet the requirements of this rule may be eligible for an annual vehicle maintenance and equipment reimbursement of up to \$6,000 per year, depending on vehicle age.
 - i. For each WAT vehicle, the total reimbursement for vehicle acquisition (established in Section III.B.4 of this rule) and vehicle maintenance and equipment combined will not exceed \$6,000 per year, except in certain circumstances described in Sections III.B.4.f and/or III.B.4.g of this rule.
 - b. As long as the vehicle remains in compliance with this rule, the Director has discretion to allocate the amount of the maintenance and equipment reimbursement for up to three (3) years after a cost has been incurred so long as the amount reimbursed does not exceed the maximum reimbursement allowed by this rule for that period.
 - c. To be eligible for this reimbursement, the WAV vehicle owner must demonstrate on an annual basis that the vehicle provided at least 250 TPWs during the previous 365 days. Contract Trips do not count towards the 250 TPWs required for eligibility.
 - i. After one (1) year after the effective date of this rule, the Director may adjust the minimum number of TPWs required for vehicle acquisition reimbursement eligibility, after considering any factors that may affect the supply, demand, and financial viability of WAV service within Seattle and King County limits.
 - d. The vehicle owner must submit original, itemized receipts for maintenance and equipment costs paid by the vehicle owner. The receipts must clearly show that payment was made for the maintenance performed.
 - e. The maximum annual reimbursement amount depends on the age of the vehicle (based on model year), as outlined in the following table:

Vehicle Age*	Maximum Reimbursement Amount
0-6 years	\$6,000
7 years	\$4,800
8 years	\$3,600
9 years	\$2,400
10 years	\$1,200

*Vehicle age is determined based on the model year. For example, a 2017 reimbursement (paid in 2018) for a wheelchair accessible 2010 Toyota Sienna would have a vehicle age of seven (7) years.

- f. Reimbursable maintenance costs must be related to installing, repairing, or replacing vehicle equipment necessary for vehicle accessibility for passengers in wheelchairs. Eligible equipment costs include but are not limited to:
 - i. Wheelchair access ramps and lifts
 - ii. Wheelchair related safety devices
 - iii. Door mechanisms on the vehicle's Wheelchair Accessible entrance
 - iv. Axles
 - v. Tires (one set per calendar year)
 - vi. Brakes and rotors
 - vii. Transmissions
 - viii. Engines
 - ix. Suspension systems
 - x. Wheelchair accessibility signage
 - xi. Equipment designed to improve vehicle accessibility and passenger convenience (e.g., hearing loops or customer notices in braille)
- g. Reimbursements for vehicle maintenance will be paid on an annual basis. Vehicle operating data, receipts and reimbursement requests must be submitted to CPD in a format specified

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by the Director, no later than February 28 of the following calendar year in which the vehicle was operated.

This emergency rule implements the following provisions:

Notwithstanding section III.B.5.c, vehicle owners will not be required to demonstrate that the vehicle provided at least 250 TPWs during the previous 365 days in order to be eligible for reimbursement for vehicle maintenance and equipment costs incurred on or after January 1, 2020.

Furthermore, notwithstanding section III.B.5.g, reimbursements for vehicle maintenance and equipment costs incurred on or after January 1, 2020 will be processed and reimbursed quarterly rather than annually. To receive a quarterly reimbursement for maintenance and equipment costs incurred in 2020, receipts and reimbursement requests must be submitted to FAS' Consumer Protection Division (CPD) in a format specified by the FAS director, no later than the 30th day of the month following the end of the quarter (April 30th for the first quarter, July 30th for the second quarter, October 30th for the third quarter, and January 30th of the following calendar year for the fourth quarter). Notwithstanding section III.B.5.d, when requests for reimbursement are submitted electronically, CPD will accept digitally-scanned copies of original, itemized receipts for vehicle maintenance and equipment costs incurred on or after January 1, 2020.

Emergency rule effective date: This emergency rule takes effect immediately upon filing for a period of 60 days.