CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117624

AN ORDINANCE relating to the Traffic Code; adding new sections 11.14.237 and 11.23.160 of the Seattle Municipal Code and amending sections 11.16.315, 11.23.150, 11.72.351, 11.72.260, 11.73.050, 11.76.005, 11.76.010, 11.76.015, and 11.76.020 to authorize a "free-floating car sharing" pilot program with standards and requirements for the program.

WHEREAS, car sharing is a membership-based service that allows qualified drivers to temporarily use any in a fleet of vehicles on a per-use fee basis; and

WHEREAS, car sharing is intended to provide an alternative to exclusive car ownership; and

WHEREAS, car sharing complements the use of public transportation by providing an option for shorter time and shorter distance trips that might not otherwise be practical using transit; and

WHEREAS, free-floating car sharing offers additional flexibility and mobility options for individuals, including Seattle residents; and

WHEREAS, the City's Comprehensive Plan includes parking for "shared vehicles" among the curb space priorities; and

WHEREAS, the City's Climate Action Plan promotes car sharing programs; and

WHEREAS, the City's Transportation Strategic Plan directs the City to encourage car sharing to decrease personal car ownership, reduce vehicle distance traveled, provide affordable access to vehicles, and decrease dependence on fossil fuels and resultant greenhouse gas emissions; and

WHEREAS, as a condition of the free-floating car sharing permit, the Seattle Department of Transportation will require applicants to provide regular reports during the term of the permit to assess the effectiveness and impacts of free-floating car sharing; and

WHEREAS, as certain areas of the City have limited parking, the City's parking meter rate-setting strategy and policies, per SMC 11.16.121, are intended in part to encourage turn-over and alleviate parking congestion; and

WHEREAS, while the City is willing to consider some accommodation of free-floating car share services in the public right-of-way, it may not be possible to accommodate unlimited growth of free-floating car share vehicles in the public right-of-way; and

WHEREAS, companies providing free-floating car share services may need to secure private parking options to supplement use of the public right-of-way; and

WHEREAS, the City is creating a 18-month free-floating car share pilot program that will allow free-floating car sharing vehicles to park in the public-right-of-way, after which time the City Council will assess the benefits and any negative unintended consequences and ensure appropriate policies are in place, including the number of public-right-of way spaces that can accommodate this service; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 11.14.237 is added to the Seattle Municipal Code as follows:

11.14.237 Free-floating car sharing

A. "Free-floating car sharing" means a system in which a fleet of vehicles is made available for use by members of a free-floating car sharing organization whereby: a) persons or entities that become members are permitted to use free-floating car sharing vehicles from the fleet on a limited, fee-per-use basis; b) free-floating car sharing vehicles may be parked in any on-street parking space within the free-floating zone pursuant to meeting the standards and restrictions set forth in Title 11 including Section 11.23.160; and c) a separate written agreement is not required each time a member reserves or uses a vehicle from the fleet.

B. "Free-floating zone" or "FFZ" means a geographic area with a delineated boundary in which a free-floating car sharing vehicle may be parked.

C. "Free-floating car sharing permit" means a permit issued by SDOT to vehicles in a free-floating car sharing fleet that allows each free-floating car sharing vehicle to utilize the parking privileges authorized through the free-floating car sharing program as described in Section 11.23.160.

Section 2. Section 11.16.315 of the Seattle Municipal Code, last amended by Ordinance 123162, is amended as follows:

11.16.315 Administration of and signage in restricted parking zones((.))

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G. Free-Floating Car Sharing Vehicles. Any free-floating car sharing vehicle that displays a valid free-floating car sharing permit is authorized to park in any Restricted Parking Zone (RPZ) with the same privileges as a vehicle with a valid RPZ permit.

Section 3. Section 11.23.150 of the Seattle Municipal Code, last amended by Ordinance 123162, is amended as follows:

SMC 11.23.150 Car Sharing Parking Fees

A. Annual car sharing permit for dedicated spaces in locations where there is no paid on-street parking	$300/year
((~~Annual car share permit in locations where the charge for on-street paid parking is $1.50 per hour for short-term parking~~))	((~~$900/year~~))
((~~Annual car share permit in locations where the charge for on-street paid parking is $2.00 per hour for short-term parking~~))	((~~$1,600/year~~))
((~~Annual car share permit in locations where the charge for on-street paid parking is $2.50 per hour for short-term parking~~))	((~~$3,100/year~~))
B. Annual car sharing permit for designated spaces in locations where there is paid on-street parking	$2,500/year
C. Annual free-floating car sharing permit for each free-floating car sharing vehicle	$1,330/year*

* This fee is comprised of (1) the initial paid parking fee of $1,030 per year, to be adjusted annually based on actual meter use in paid parking areas per subsection 11.23.160G; (2) an RPZ fee of $200 per year; and (3) an administrative fee of $100 per year.

Annual free-floating car shar((~~e~~))ing permits are valid from ((~~issued for use~~)) January 1 – December 31. ((~~Car share permits for use July 1 to December 31 are issued at 50% of the cost of an annual car share permit.~~)) The Director of Transportation or his or her designee shall have the authority to prorate the price of the annual free-floating car sharing permit if a permit is issued for less than a full year. A new free-floating car sharing permit is required each calendar year for each vehicle in the free-floating car share program.

Section 4. A new Section 11.23.160 is added to the Seattle Municipal Code as follows:

11.23.160 Free-floating car sharing parking

A. In order to qualify for the free-floating car sharing program as set forth in this Section 11.23.160, all of the following standards must be met:

1. Permittee must obtain a free-floating car sharing permit for each free-floating car sharing vehicle by paying the free-floating car sharing permit fee to the Seattle Department of Transportation (SDOT);
2. Free-floating car sharing vehicles must be parked in the Free-Floating Zone at the end of each trip as stated in the permit;
3. Each free-floating car share vehicle permitted by SDOT shall display a permit and contact information, in a manner determined by SDOT;
4. Each free-floating car share vehicle must be registered in Seattle in the SDOT free-floating car share program;
5. Free-floating car sharing permits are not transferable between vehicles and are void if transferred between vehicles;
6. Permittee shall comply with the terms of free-floating car sharing permit;

7. Permittee shall utilize on-street parking within City rights-of-way in compliance with all applicable federal, state, County and City laws and regulations; and
8. Permittee must demonstrate that the free-floating car sharing vehicles have the technical capacity to accurately track each permitted vehicle's actual meter use in paid parking areas, such as GPS or other technology, and provide regular reports to SDOT to verify such use.

B. SDOT may issue up to 350 free-floating car share permits annually.

C. Non-payment of outstanding meter usage fees by permittee pursuant to SMC 11.23.150.C serves as a basis for SDOT to deny issuance of subsequent permits to the same permittee.

D. During all hours when it is otherwise lawful to park in specified parking spaces within the Free-Floating Zone, free-floating car sharing vehicles that comply with Section 11.23.160 may park in any of the following parking spaces or stalls: (1) parking spaces or stalls regulated by a parking payment device without displaying a payment receipt and without regard to posted time-limits; (2) time-limited parking spaces or stalls without regard to the posted time; (3) parking spaces or stalls located in any restricted parking zone (RPZ) without regard to time limits imposed on vehicles without RPZ permits; or (4) any other parking space in the public right-of-way not otherwise restricted for exclusive use.

E. Free-floating car sharing vehicles shall be prohibited from parking in the following zones or areas: 1) zones designated as bus zones; 2) car share vehicle zones; 3) commercial vehicle load zones; 4) emergency zones; 5) food-vehicle zones; 6) pedestrian zones; 7) roadway construction zones; 8) school loading zones; 9) taxicab, pedicab, and other for-hire car stands; 10) tow-away zones; 11) truck load zones; 12) parking areas adjacent to parking payment device controlled with a service parking meter hood; or 13) any other zone restricted by the Traffic Engineer.

F. Free-floating car sharing vehicles shall be prohibited from parking in a parking space or stall reserved for a person with a disability, unless the member of the free-floating car sharing group utilizing the free-floating car sharing vehicle meets the criteria for special parking privileges under RCW 46.19.010 and the disabled parking permit is displayed as described in RCW 46.19.030 for the duration of the time the free-floating car sharing vehicle is parked within the parking space or stall reserved for a person with a disability.

G. Permittee must provide a report to SDOT at an address specified in the free-floating car sharing permit that provides data showing actual paid parking meter use for each free-floating car share vehicle for the preceding year. The report shall be submitted no later than January 31 of each year. In the event a free-floating car sharing operator's total actual meter use in paid parking areas during the prior permit term exceeds the total paid parking area reimbursement fees required under SMC 11.23.150.C and paid for in the prior permit period, the free-floating car sharing permittee shall reimburse the City for the difference no later than February 28 of each year.

Section 5. Section 11.72.260 of the Seattle Municipal Code, last amended by Ordinance 122243, is amended as follows:

SMC 11.72.260 Overtime((.))

No person shall stand or park a vehicle upon a street for a longer period of time than the limit that is signposted <u>except for any free-floating car sharing vehicle that conforms to Section 11.23.160 except where otherwise indicated by the signposting on the block or for individual parking spaces</u>. Parking spaces may be used without respect to time limit posted on Sundays and parking holidays, except where otherwise indicated by the signposting on the block or for individual parking spaces.

Section 6. Subsection 11.72.351.A of the Seattle Municipal Code, last amended by Ordinance 123001, is amended as follows:

SMC 11.72.351 Restricted parking zone.

A. No person shall stop, stand or park a vehicle in violation of the posted or marked restrictions or when a permit or other authorization issued by the city is required as a condition for parking unless the following permit or placard is displayed: (1) an RPZ permit pursuant to chapter 11.16 SMC; (2) a free-floating car sharing permit pursuant to Section 11.23.160; or (3) a disabled placard permit, ((~~or~~)) license plate, or year tab pursuant to RCW 46.((~~16~~))19.((~~381~~))030 or 46.((~~16~~))19.((~~390~~))070; ((~~is displayed in a specified place on the vehicle~~)). ((~~As of January 1, 2010, motorcycles~~)) Motorcycles and scooters are authorized to park in an RPZ without an RPZ permit.

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Section 7. Subsection 11.73.050.B of the Seattle Municipal Code, last amended by Ordinance 119781, is amended as follows:

SMC 11.73.050. Husky Stadium Event Restricted Parking Zone((.))

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B. On dates with events likely to attract twenty-four thousand (24,000) or more people to Husky Stadium, and after following procedures set forth in SMC Section 11.16.317, the Director of Transportation is authorized to restrict public parking on eligible streets within the zone to vehicles of:

1. Residents of the zone;

2. Owners of businesses in the zone and used for business purposes;

3. Service vehicles of persons having business in the street or used for law enforcement purposes;

4. Nonresidents with a handicapped card, decal or special license plate issued pursuant to RCW 46.61.580; ((~~and~~))

5. Free-floating car sharing vehicles that comply with Section 11.23.160; and

((~~5.~~)) 6. Subject to such restrictions as may be established by the Director of Transportation, guests of residents of the zone.

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Section 8. Section 11.76.005 of the Seattle Municipal Code, last amended by Ordinance 123941, is amended as follows:

SMC 11.76.005 Proper display of proof of payment receipt((~~.~~))

It is unlawful to park or permit to be parked any vehicle in a space controlled by a "pay and display" parking pay station without properly displaying a receipt issued from a pay station controlling the space in the manner as described in this section, unless valid payment has been made by mobile device, or unless the vehicle is a free-floating car sharing vehicle that complies with Section 11.23.160.

For parallel parking on one- and two-way streets, proper display of proof of payment requires affixing the receipt dispensed by the parking pay station inside the vehicle to the front seat's side window nearest the curb in such a manner that the expiration time and date are readily visible from the exterior. For front-and rear-end angle parking, proper display of proof of payment means affixing the receipt to the interior of the side window next to the driver's seat of the vehicle in such a manner that the expiration time and date are readily visible from the exterior. For motorcycles, receipts shall be affixed on the headlight cover. No more than one receipt shall be displayed.

Section 9. Section 11.76.010 of the Seattle Municipal Code, last amended by Ordinance 123941, is amended as follows:

SMC 11.76.010. Parking meters – Deposit of coins and time limit((~~.~~))

A. No person shall park a vehicle in any parking space upon a street alongside of which a parking meter has been installed, during the restricted and regulated time applicable to the parking meter, unless: (1) a coin or coins of United States currency of the appropriate denominations as indicated in the legend on the meter has been deposited therein, or has been previously deposited therein for an unexpired interval of time, and the meter has been placed in operation((-)); or (2) valid payment has been made by mobile device; or (3) valid payment has been made using a parking payment device and a valid pay and display receipt has been displayed in accordance with Section 11.76.005.

B. No person shall permit a vehicle within his control to be parked in any parking meter space during the restricted and regulated time applicable to that meter space while the parking meter for such space indicates by signal that the lawful parking time in such space has expired, unless valid payment has been made in accordance with subsection 11.76.010.A.

C. This section shall not apply to (1) the act of parking or the necessary time which is required to comply with subsection 11.76.010.A; (2) ((~~or to~~)) the parking of certified carpool vehicles in accordance with the provisions of Section 11.23.410((~~,~~)); or (3) the parking of free-floating car sharing vehicles that comply with Section 11.23.160.

Section 10. Section 11.76.015 of the Seattle Municipal Code, last amended by Ordinance 123941, is amended as follows:

11.76.015 Parking violations at parking payment devices((~~.~~))

A. No person shall stop, stand, or park, or permit a vehicle within his control to be parked in any parking meter space while the parking meter for such space displays the words "Violation," "Expired," or the international symbol for "No Parking,"

or otherwise indicates that the meter is out of order provided that this section does not apply to a vehicle properly displaying an unexpired valid proof of payment receipt issued by a parking pay station or where valid payment has been made by mobile device .

B. No person shall stop, stand or permit a vehicle within his control to be parked in any parking space controlled by a "pay and display" parking pay station without displaying on the vehicle an unexpired proof of payment receipt issued by a parking pay station or, if payment is made by mobile device, without payment properly made and recorded in accordance with the requirements for such payments as approved by the Director of Transportation pursuant to any vendor contract for mobile device payment services.

C. No person shall stop, stand or permit a vehicle within his control to be parked in any parking space controlled by a "pay by space" parking pay station beyond the amount of time purchased for that space.

D. It is unlawful to park or permit to be parked any vehicle in a space controlled by a parking pay station without payment properly recorded as described by the instructions posted on the parking payment device.

E. The prohibitions in this S((s))ection 11.76.015 shall not apply to the act of parking or to the necessary time required to activate the time on the parking meter or to obtain a parking pay station receipt, or as indicated by signposting, to the parking of a vehicle in a restricted parking zone in accordance with the provisions of 11.16.315, or to the parking of certified carpool vehicles in accordance with the provisions of Section 11.23.410.

F. The prohibitions in this S((s))ection 11.76.015 shall not apply on Sundays and parking holidays.

G. Any payment made by mobile device is not valid if issued for a different area than the one containing the occupied space or with different parking time limits than that applicable to the occupied space.

H. The prohibitions in this Section 11.76.015 shall not apply to free-floating car sharing vehicles that comply with Section 11.23.160.

Section 11. Section 11.76.020, last amended by Ordinance 123927, is amended as follows:

11.76.020 Parking Longer Than Time Limit((.))

A. It is unlawful for any person to park a vehicle in any parking space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking space as indicated in the legend on the parking meter or pay station,

irrespective of the amount paid; provided, that the restrictions in this S((s))ection 11.76.020 shall not apply on parking holidays except where otherwise indicated by the signposting on the block or for individual parking spaces((~~; and provided further that~~)).

B. The restrictions in this S((s))ection 11.76.020 shall not apply to the parking of certified carpool vehicles in accordance with the provisions of Section 11.23.410, or to the parking of free-floating car sharing vehicles that comply with the provisions of Section 11.23.160.

Section 12. An 18-month pilot program to allow free-floating car sharing vehicles in the public-right-of-way is established. While the program will not automatically sunset after 18-months, Council shall review program outcomes following the first full year in operation. After its review, Council may decide to continue the program as is, continue the program with modifications, or end the program. To assist with Council review, SDOT shall submit a report to the City Council's transportation committee by March 31, 2014 that includes the following information: 1) the number of free-floating car share permits issued in the preceding year; 2) the difference between the initial paid parking area fee required in Section 11.23.150.C and actual meter use in paid parking areas; 3) descriptive data about how free-floating car sharing vehicles are used, including how often they are used vs. parked, peak use periods, and how and when vehicles tend to be distributed in certain areas of the city; and 4) any other information deemed pertinent by the transportation committee. Council will use this information to determine if any changes should be made to the Free-Floating Car Sharing program prior to the expiration of the 18-month pilot period.

Section 13. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2012, and signed by me in open session in authentication of its passage this _____ day of _____, 2012.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2012.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2012.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: December 6, 2011

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
SDOT/Legislative	Mike Estey/Christa Valles 684-8132/684-5336	Rebecca Guerra 684-5339

Legislation Title: AN ORDINANCE relating to the Traffic Code; adding new sections 11.14.237 and 11.23.160 of the Seattle Municipal Code and amending sections 11.16.315, 11.23.150, 11.72.351, 11.72.260, 11.73.050, 11.76.005, 11.76.010, 11.76.015, and 11.76.020 to authorize a "free-floating car sharing" pilot program with standards and requirements for the program.

Summary of the Legislation: This legislation creates a free-floating car sharing program and updates several sections of the Traffic Code to allow free-floating car sharing vehicles to be exempt from parking time limits and from requirements to display parking payment receipts. It also allows vehicles with free-floating car sharing permits to park in Restricted Parking Zone (RPZ) areas.

Background:
Car sharing legislation was first adopted into the Seattle Municipal Code in 2008. That previous legislation allowed for the establishment of designated on-street car sharing zones. This legislation allows for the establishment of free-floating car sharing. Vehicles in a free-floating car-sharing program with valid permits may be parked in on-street spaces without being subject to time limits, payment receipt display, or RPZ permit restrictions. Free-floating car sharing vehicles are not exempt from other restrictions (i.e., they may not park in taxi zones, transit zones, commercial loading zones, or other special zones.)

Free-floating car sharing operators will be charged a permit fee commensurate with the cost of administering, monitoring and policing the permit program and the use and occupation of the rights-of-way by the free-floating car-sharing program, to ensure effective regulation of the public right of way which includes in part the estimated cost of the time spent parked in paid on-street parking areas without direct payment.

As a condition of the permits, SDOT will require applicants to provide quarterly data during the term of the permit, such as the number of members, the number of vehicle uses, the number of times vehicles are idle or unused for 24 hours or more, and the percentage of time vehicles spend parked in paid parking areas to assess the effectiveness and impacts of free-floating car sharing. Among other things, SDOT will use this data to determine whether the proposed permit fee reflects the cost for the use and occupancy of the right-of-way for the free-floating car sharing businesses.

____ **This legislation does not have any financial implications.**

_X_ **This legislation has financial implications.**

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2012 Revenue	2013 Revenue
General Fund - 00100		Permit Fee	$257,500	$257,500
Transportation Operating Fund - 10310	SDOT	Permit Fee	$75,000	$ 75,000
TOTAL			$332,500	$332,500

This is an annual per-vehicle permit operating under 12-month cycle. If legislation is adopted in October, SDOT anticipates an application in November with intended operation to begin in December 2012.

The permit amount is $1,330 per vehicle per permit cycle. For the purposes of the fiscal note, the projected revenues are based on 250 vehicles permitted annually, though SDOT may permit up to 350 cars in any 12 month period.

The estimated $75,000 ($200 per RPZ permit per car and $100 for general SDOT administration) is to be deposited to the SDOT Transportation Operating Fund for administration of the RPZ component of the permit, as well as general development and administration of the permitting system, including staff time, materials, information technology support, and operating expenses.

The estimated $257,500 is to be deposited in the city's General Fund to account for the cost of regulating the public right of way in paid parking areas associated with the estimated on-street paid parking revenue otherwise foregone as a result of free-floating car sharing vehicles being exempt from payment requirements, and to encourage the use of free-floating car sharing as an alternative to vehicle ownership through exemption of payment requirements at the pay stations. The legislation requires an annual accounting of actual meter use following each permit period, at which time, free-floating car share companies must reimburse the City for any difference over and above the per vehicle permit fee of $1,030.

SDOT is also amending the annual permit fee for designated on-street car sharing spaces. The prior fee accounted for the cost of regulating the public right of way under an older system of paid parking rate-setting associated with rate "tiers." Paid parking rates are now set by neighborhood. The updated fee for designated spaces in paid parking areas is calculated based on the citywide average annual revenue for an on-street paid parking space, and the associated cost of regulating the public right of way. Because there are currently so few designated on-street car sharing spaces (about one dozen) and all of those are in non-paid parking areas, this change to the fee schedule is not expected to have any fiscal impact.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
None

b) **What is the financial cost of not implementing the legislation?**
Without this legislation, the revenue from free-floating car sharing permits would not be collected.

c) **Does this legislation affect any departments besides the originating department?**
SDOT has worked with Seattle Police Department Parking Enforcement to ensure that the proposed legislation is operable.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
None

e) **Is a public hearing required for this legislation?**
None

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
None

g) **Does this legislation affect a piece of property?**
None

h) **Other Issues:**
None