

Agency: Department of Administration
Rule Type: Legislative

Title Number: 148
Cite Authority: 5A-4-5

COMMENTS / RESPONSES

No comments were received by Donna Prunty, the designated individual to accept comments on behalf of the Department of Administration, or by David Tincher, the Director of Purchasing, during the comment period on this proposed rule. Therefore, no responses were required.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 8, 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Department of Administration

1900 Kanawha Boulevard, East, Room E-119

Charleston, WV 25305

LEGISLATIVE RULE TITLE: _____

Parking

1. Authorizing statute(s) citation 5A-4-5

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
July 3, 2001

b. What other notice, including advertising, did you give of the hearing?
None

c. Date of Public Hearing(s) *or* Public Comment Period ended:
August 3, 2001

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached None No comments received None

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 13, 2001

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Donna M. Prunty, Executive Coordinator

Department of Administration

1900 Kanawha Boulevard, East, Room E-119

Charleston, WV 25305

558-3391 (phone); 558-5749 (fax); dprunty@gwmail.state.wv.us

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Donna Prunty, Executive Coordinator, Department of Administration (wrote rule)

David Tincher, Director of Purchasing Division (has responsibility for rule)

2019 Washington Street, East

Charleston, WV 25305

558-2538

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

Not applicable

b. Date of hearing or comment period:

Not applicable

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

Not applicable

d. Attach findings and determinations and reasons:

Attached None

Agency: Department of Administration
Rule Type: Legislative

Title Number: 148
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STATEMENT OF CIRCUMSTANCE AND BRIEF SUMMARY

The Department of Administration is proposing to establish legislative rules regarding the fines and fees charged by the parking system. The proposed rule updates the fees and fines collected through the parking system and sets charges for lost parking tags and access cards. The fees for monthly parking will increase one dollar (\$1.00) per month each year for a five-year period. The fines for persons violating the parking rules increase as set forth in the attached rules.

FILED

TITLE 148
LEGISLATIVE RULE
DEPARTMENT OF ADMINISTRATION

2001 AUG 13 P 4: 52

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 6
PARKING

§148-6-1. General.

1.1. Scope. -- This legislative rule provides for the regulation of parking of motor vehicles by the Cabinet Secretary of the Department of Administration (Secretary) on property owned or leased by the State of West Virginia, or any of its agencies, in the city of Charleston, Kanawha County, West Virginia, including penalties.

1.2. Authority -- W. Va. Code §5A-4-5.

1.3. Filing Date. -- July 3, 2001

1.4. Effective Date. -- _____

any of its agencies and used for parking purposes in conjunction with the state capitol or any state office buildings.

~~(c). The parking garage at 212 California Avenue and upon the state-owned grounds upon which such parking garage is located;~~

~~(f). State-owned property at Michigan Avenue and Virginia Terrace; and~~

~~(g). Any other property now or hereafter owned by the State and used for parking purposes in conjunction with the state capitol or state office buildings three (3) and four (4); including the Laidley Field complex;~~

§148-6-2. Parking Areas.

2.1. General. Parking on ~~the following~~ property owned by the State of West Virginia in the City of Charleston, Kanawha County, West Virginia is subject to this rule and includes but is not limited to:

(a). The east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East;

(b). The west side of California Avenue between Kanawha Boulevard and Washington Street, East;

(c). State-owned or leased grounds upon which state office buildings ~~number three (3) is located;~~ numbers one (1) through twenty (20) are located and including the Laidley Field Complex.

(d). ~~State-owned grounds upon which state office building number four (4), 112 California Avenue, is located;~~ Any other property now or hereafter owned or leased by the State or

The Secretary of Administration also has the authority to designate any area enumerated in this section as a parking or non parking area, as he or she determines for the conduct of business at the capitol complex or any state office buildings on a daily basis or for special occasions, as they may arise, except as provided in Section 2.2 of this rule.

2.2. Legislative Sessions. During sessions of the Legislature, including regular, extended, extraordinary and interim sessions, parking in the ~~following areas~~ is designated parking for legislators and employees of the Legislature and subject to rules promulgated jointly by the Speaker of the House of Delegates and President of the Senate:

(a). The east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East;

(b). The Science and Culture Center parking lot;

(c). The north side of Kanawha Boulevard between Greenbrier Street and California Avenue; and

(d). The west side of California Avenue between Kanawha Boulevard and Washington Street, East;

§148-6-3. Parking Guards Personnel

The Secretary of Administration shall employ such persons as he or she considers necessary to enforce this parking rule. The persons employed by the Secretary have authority to direct traffic and issue tickets in violation of this rule, as well as such other authority as determined by the Secretary.

§148-6-4. Metered Parking.

The Secretary of Administration may install ~~parking meters~~ metered parking in any areas designated for parking he or she considers prudent to permit convenient parking spaces for visitors to the state capitol or any state office buildings. The amount to be charged for parking at meters shall be determined by the Secretary.

§148-6-5. Parking for State Officers and Employees.

~~Parking for state officers and employees is may be provided, at the discretion of the Secretary, to state spending units by the Secretary of Administration in areas and numbers determined by the Secretary for that purpose and/or individuals or organizations that he or she deems appropriate.~~ The spending unit shall issue individual parking spaces in accordance with the parking allocation policies of the spending unit, subject to this rule. ~~The fees for each parking space is fifteen dollars (\$15.00) per month and payment is made through payroll deduction, unless otherwise authorized by the Secretary. The fee to park shall be sixteen dollars (\$16.00) per month as of July 1, 2002; seventeen dollars (\$17.00) per month as of July 1, 2003; eighteen dollars (\$18.00) per month as of July 1, 2004;~~

nineteen dollars (\$19.00) per month as of July 1, 2005; twenty dollars (\$20.00) per month as of July 1, 2006. Each spending unit shall remit payment monthly to the Department of Administration for all parking spaces assigned to each spending unit. It is the responsibility of the spending unit to keep all spaces assigned to its employees and to collect the appropriate monthly fee. Payment shall be made through payroll deduction, unless otherwise authorized by the Secretary.

For locations outside the Capitol Complex, all spending units will charge \$20.00 per month for parking unless the facility consists of all free, public access parking (i.e., shopping centers or such other facilities approved by the Secretary). Custody of the funds outside of the Capitol Complex shall be the subject of negotiations between the spending unit and the Department of Administration. All funds shall go to the Department of Administration.

§148-6-6. Violations.

6.1. General. The owner of any motor vehicle parked in violation of this rule is subject to the penalty specified in Section 7 of this rule and is responsible for the payment of any fines, penalties or costs assessed, regardless of whether the owner was operating the motor vehicle at the time of the violation. The Secretary may waive the violation and assessed fines, penalties and costs, in his or her discretion. Further, the Secretary may authorize the removal, immobilization, or any other remedy deemed necessary, at owner expense, of any motor vehicle parked in violation of this rule or who owes more than ten (10) unpaid violations.

6.2. Metered Parking. The owner of a motor vehicle parked at ~~a parking meter~~ metered parking with elapsed time during the hours of 9:00 a.m. through 4:00 p.m. 8:00 a.m. through 5:00 p.m. Monday through Friday, except holidays, is subject to an overtime parking fine(s) in accordance with Section 7 of this rule or other hours as the Secretary deems appropriate. ~~Motor vehicles ticketed between 9:00 a.m. and 12:00 noon may be ticketed again between the hours of~~

~~1:00 p.m. and 4:00 p.m., with each ticket containing an overtime parking fine in accordance with Section 7 of this rule . In no event may a singular vehicle at a single parking meter be ticketed more than twice four times in one working day.~~

6.3. Designated Area Parking. The owner of a motor vehicle parked at any time in an area designated handicapped parking, legislative parking, reserved parking, ~~or no parking during the hours of 9:00 a.m. through 4:00 p.m. Monday through Friday, except holidays,~~ is subject to a parking fine(s) in accordance with Section 7 of this rule. ~~Motor vehicles ticketed between 9:00 a.m. and 12:00 noon may be ticketed again between the hours of 1:00 p.m. and 4:00 p.m., with each ticket containing a parking fine in accordance with Section 7 of this rule.~~

6.4. Parking in Travel Lanes. The owner of a motor vehicle parked in a travel lane is subject to a parking in travel lane parking fine in accordance with Section 7 of this rule.

6.5. Other Violations. The owner of a motor vehicle parked at the Capitol Complex in a manner that is inconsistent with safe motor vehicle practices or parked in a space that has not been assigned for purpose of parking that vehicle is subject to an improper parking fine in accordance with Section 7 of this rule.

§148-6-7. Penalties.

7.1. Fines. A person who violates this rule is subject to the following fines:

Handicapped Area(up to)	\$100.00
Legislative Parking Area	<u>254.00</u>
Reserved Parking Area	<u>254.00</u>
Parking in Travel Lane	<u>254.00</u>
Overtime Parking	<u>53.00</u>
No Parking Area	<u>253.00</u>
Improper Parking	<u>253.00</u>
<u>Lost Parking Tag</u>	<u>10.00</u>
<u>Lost Access Card</u>	<u>15.00</u>
<u>Other Violations(up to)</u>	<u>100.00</u>

7.2. Payment. Payment of fines is required within seventy-two (72) hours of the time the ticket was issued to either the ticket receipt boxes provided by the Department of Administration or to the address printed on the ticket. Fines not paid within seventy-two (72) hours are subject to double an additional fines not to exceed twenty-five dollars (\$25.00) each. ~~A summons may be issued for tickets not paid within fourteen (14) days. These fines may be remitted by payroll deduction to the Office of the Secretary.~~ A summons may be issued for tickets not paid with fourteen (14) days.

7.3. Jurisdiction. Magistrates in Kanawha County, West Virginia have jurisdiction of violations and offenses of this rule.

7.4. Exceptions. The Secretary is authorized to grant exceptions to this Rule deemed necessary.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Parking

Type of Rule: Legislative Interpretive Procedural

Agency: Department of Admimistration

Address: 1900 Kanawha Boulevard, East

Building 1, Room E-119

Charleston, WV 25305

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST					
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					\$0.00

2. Explanation of Above Estimates:

No costs will be associated with passage of the proposed rule.

3. Objectives of These Rules:

The objective of this proposed rule is to update the fees and fines collected through the parking system and to increase revenues to the State of West Virginia over a five year period.

Rule Title: Parking

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

Increase in revenues in the amount of \$35,000 - \$50,000 annually for the next five years.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

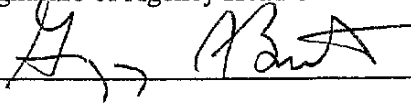
None

C. Economic Impact on Citizens/Public at Large.

None

Date: 7-3-01

Signature of Agency Head or Authorized Representative:





STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CABINET SECRETARY

BOB WISE
GOVERNOR

GREGORY A. BURTON
CABINET SECRETARY

August 13, 2001

FILED
2001 AUG 13 P 4: 52
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Via Hand-Delivery

The Honorable Joe Manchin, III
Secretary of State
Building 1, Suite 157K
1900 Kanawha Boulevard, East
Charleston, WV 25305

Re: Legislative Rules

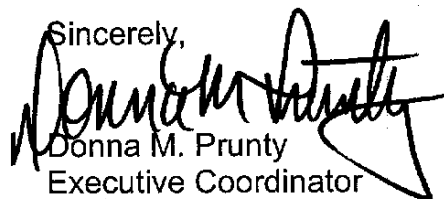
Dear Secretary Manchin,

I am enclosing one original and fifteen copies of the documents listed below in regard to a proposed rule regarding parking modifications. It is my understanding that your office will maintain the original on file and the copies will be forwarded to the Legislative Rule Making Committee.

The attached documents consist of the following:

- a. Notice of Agency Approval of a Proposed Rule
- b. Comments & Responses
- c. Rule Making Questionnaire
- d. Statement of Circumstance and Brief Summary
- e. Proposed Rule as requested
- f. Fiscal Note

Thank you very much for your assistance. If you have any questions, or need any additional information, please do not hesitate to give me a call.

Sincerely,

Donna M. Prunty
Executive Coordinator

DMP:dp
Enclosures