



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Administration

TITLE-SERIES: 148-06

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Parking

CITE STATUTORY AUTHORITY: §5A-10-3a(c)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/11/2018 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jon Amores

ADDRESS: 1124 Smith Street, Suite B 100

Charleston, WV 25301

EMAIL: jon.amores@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

The rule provides authority for parking on the State Capitol Complex, including establishing parking rates.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The proposed amendment to the rule would change the rates for various types of parking and parking fines on the State Capitol Complex, as well as making clarifying and technical corrections.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The proposed changes will increase the revenues of the Real Estate Division by an estimated \$64,745 annually.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

None.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	64745

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Based on historical trends, the proposed changes in parking rates and violations will result in an increase of revenue for overtime parking meters of \$41,220 and an increase for all other violations of \$23,525 annually, for a total of \$64,745.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jennelle H Jones -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 148
LEGISLATIVE RULE
DEPARTMENT OF ADMINISTRATION**

**SERIES 6
PARKING**

§148-6-1. General.

1.1. Scope. - This legislative rule provides for the regulation of parking of motor vehicles by the Secretary of the Department of Administration 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. – ~~March 1, 2018.~~

1.4. Effective Date. – ~~March 1, 2018.~~

1.5. Sunset provision. – This rule shall terminate and have no further force or effect ~~on March 1, 2023~~ five years from the effective date.

§148-6-2. Parking Areas.

2.1. General. Parking on 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:

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

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

2.1.c. State-owned or leased grounds upon which state office buildings are located.

2.1.d. Any other property now or subsequently owned or leased by the State or any of its agencies and used for parking purposes in conjunction with the state capitol or any state office buildings.

2.2. The Secretary of Administration may also designate any area as a parking or no parking area, and designate the type and scheme of parking to be used, as he or she determines for the conduct of business at the capitol or any state office buildings in the City of Charleston on a daily basis or for special occasions, as they may arise, except as provided in Subsection 2.3 of this rule or joint policy of the Speaker of the House of Delegates and President of the Senate.

2.3. Legislative Sessions. During session of the Legislature, including regular, extended, extraordinary, interim sessions, or any other times designated by the Speaker of the House of Delegates and/or the President of the Senate, parking in the following areas is designated for legislators and employees of the Legislature and subject to a joint policy of the Speaker of the House of Delegates and president of the Senate, and shall be managed and controlled by the Legislature:

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

2.3.b. The Culture Center parking lot;

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

2.3.d. The west side of California Avenue between Kanawha Boulevard and Washington Street, East, and except as otherwise reserved by the Department of Administration, the lot on the east side of California Avenue between Kanawha Boulevard and Quarrier Street, East;

2.3.e. Any other areas designated by a joint policy of the Speaker of the House of Delegates and the President of the Senate.

§148-6-3. Personnel.

3.1. The Secretary, Speaker of the House of Delegates and/or the President of the Senate may employ such persons necessary to enforce this parking rule. The persons employed by the Secretary, Speaker of the House of Delegates and/or the President of the Senate may have authority to direct traffic and issue tickets in violation of this rule, as well as any other authority determined by the Secretary, or the Speaker of the House of Delegates and the President of the Senate.

§148-6-4. Metered Parking.

4.1. The Secretary may install 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 in the City of Charleston. The amount to be charged for parking at meters shall be 50 cents per hour.

§148-6-5. Parking.

5.1. Parking may be provided, at the discretion of the Secretary, to state spending units. The spending unit shall provide for parking in accordance with the parking allocation policies of the spending unit, subject to this rule. The fee to park shall be ~~\$20~~ \$25 per month. In addition to this fee, the Secretary may also require the payment of any unpaid penalties assessed pursuant to Section 7 of this rule. Payment of the \$25 monthly fee by the employees shall be made through

7.1.b. Legislative Parking Area	10.00 <u>25.00</u>
7.1.c. Reserved Parking Area	10.00 <u>25.00</u>
7.1.d. Parking in a Travel Lane	10.00 <u>25.00</u>
7.1.e. Overtime Parking	5.00 <u>10.00</u>
7.1.f. No Parking Area	10.00 <u>25.00</u>
7.1.g. Improper Parking	10.00 <u>25.00</u>
7.1.h. Other Violations	10.00 <u>25.00</u>

7.2. Payment. Payment of fines is required within 10 days 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 10 days are subject to ~~double~~ additional fines with such fine not to exceed ~~\$20~~ \$25 each. A summons may be issued for tickets not paid within 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 may grant necessary exceptions to this rule. The Speaker of the House of Delegates and the President of the Senate may grant an exception to a joint policy established pursuant to the provisions of W.Va. Code §5A-4-5(b).