



As required by

The Washington State Administrative Procedure Act

Chapter 34.05 RCW

A CONCISE EXPLANATORY STATEMENT

Relating to adoption of changes to

Chapter 200-200 WAC

State Capitol Grounds and Parking Regulations

January 27, 2021

Table of Contents

1. REASON FOR RULE ADOPTION	4
BACKGROUND	4
CONSIDERATION AND RESPONSE SUMMARY.....	5
2. DIFFERENCES BETWEEN PROPOSED AND ADOPTED RULE TEXT	6
3. COMMENT SUMMARY AND OUR CONSIDERATION OF THE COMMENTS	6
ORAL COMMENTS RECEIVED AT THE PUBLIC HEARING	6
WRITTEN COMMENTS RECEIVED BY EMAIL	6
WRITTEN COMMENTS RECEIVED ONLINE	11
GENERAL COMMENTS.....	11
VISITOR AND EMPLOYEE PARKING	11
AUTHORITY OF THE DIRECTOR	12
TOWING UNPERMITTED VEHICLES	12
MARTIN VS. BOISE	12
HOMELESSNESS RELATED CONCERNS	13
LIMITS ON THE NUMBER OF VEHICLES EMPLOYEES MAY REGISTER	13
RESTRICTED PARKING AREAS FOR EVENTS	13
ENFORCEMENT	14
PERMITS.....	14
VERBAL PERMISSION TO PARK FREE	15
RIGHT TO ASSEMBLE	15
PARKING RESTRICTIONS	16
PARKING FOR THOSE WITH DISABILITIES	16
OVERNIGHT VEHICLE PARKING	17
CAMPING ON CAMPUS PROPERTY	18
ADDRESSING THE HOUSING NEEDS OF THE UNHOMED	18
HEALTH / SAFETY / ENVIRONMENTAL CONCERNS	19
CLARITY RELATIVE TO DESCHUTES PARKWAY AS PART OF THE CAPITOL CAMPUS	20
CLARITY.....	21
CAPITALIZATION OF PROPER TERMS	22
“YES” OR “NO” REPLIES	22
COMMENTS ON SPECIFIC REGULATIONS OR PROVISIONS	23
REGARDING THE APPEARANCE OF A CONFLICT BETWEEN WAC 200-200-265 PARKING PERMITS FOR EVENTS TAKING PLACE ON THE CAPITOL CAMPUS AND WAC 200-200-193 PARKING RESTRICTIONS ON THE STATE CAPITOL GROUNDS	23
REGARDING THE CLARITY OF WAC 200-200-265 PARKING PERMITS FOR EVENTS TAKING PLACE ON THE CAPITOL CAMPUS.....	23

REGARDING THE CLARITY OF WAC 200-200-015 DEFINITIONS (6) PERMIT	24
REGARDING THE CLARITY OF WAC 200-200-193 PARKING RESTRICTIONS ON THE STATE CAPITOL GROUNDS	24
REGARDING THE CLARITY OF WAC 200-200-210 DISPLAY OF PERMITS.....	25
DOES MOVING THE *LANGUAGE TO SECTION 200-200-193 MAKE IT CLEAR THAT IT IS APPLICABLE TO ALL TYPES OF PARKERS ON CAMPUS VS JUST STATE EMPLOYEES?	25
ATTACHMENTS	26
WRITTEN COMMENTS RECEIVED ONLINE	26
WRITTEN COMMENTS RECEIVED BY EMAIL	26
PUBLIC HEARING TRANSCRIPT	26
ZOOM VIDEO OF THE PUBLIC HEARING	26

1. Reason for rule adoption

Background

State law under RCW 46.08.150 requires the director of the Department of Enterprise Services (Enterprise Services) to put regulations in place governing parking and traffic control on the Capitol Campus. The Office of the Code Reviser has codified these regulations under 200-200 WAC State Capitol Grounds and Parking Regulations.

The Department of Enterprise Services (DES) began addressing issues with overnight and extended parking on Deschutes Parkway affecting public health, safety and the environment in the fall of 2019. The agency filed a formal notice to conduct rulemaking to adopt enforceable restrictions on parking on the Capitol Campus, with a focus on Deschutes Parkway, on Nov. 6, 2019.

Rulemaking was paused in March 2020 when Enterprise Services diverted resources to support the state response to Covid-19. Rulemaking restarted in September 2020.

DES received a great deal of information and feedback through discussions with neighboring jurisdictions, law enforcement, community groups, campus neighbors, organizers of campus events, the general public, and campus parkers. We processed this information through our decision-making framework, which includes:

- Regulations that align DES's responsibilities regarding stewardship of the Capitol Campus with the campus purpose and use (defined in RCW, WAC, and Campus Master Plan).
- Regulations that allow for flexibility when setting time-limited and permitted parking times that support the campus purpose/use and fall within DES statutory authority.
- Consideration of parking regulation enforcement by WSP in the context of an implementation plan coordinated with regional partners.

DES also engaged a Community Sounding Board to gain detailed feedback on initial draft regulations. Categories of interest before the Sounding Board are regional coordination, issues affecting unhoused individuals, safety and security, public health, campus business use, campus events, recreational use, historic preservation, campus neighbors.

DES filed proposed regulations with the state Office of the Code Reviser on Dec. 2, 2020.

The proposed regulations makes changes to four areas of the current regulations:

1. Clarifies the authority of the DES director to put in place enforceable parking restrictions on the Capitol Campus and makes it clear the authority applies to Deschutes Parkway.
2. Clarifies that DES must take measures that clearly identify where parking restrictions exist on the Capitol Campus (signage, paint marks, barricades, etc.)
3. Better defines permitted parking and types of permitted parking, including for campus events.

4. Clarifies that the regulations for permitted parking space apply to all parkers, not just state employees.

Consideration and response summary

On December 2, 2020, Enterprise Services filed proposed rules under WSR 20-01-174. Consistent with the comment process laid out under RCW 34.05.325, we received public comments from December 2, 2020 through January 8, 2021. Enterprise Services received oral comments at a virtual public hearing held on January 5, 2021. In addition, Enterprise Services received written comments submitted online through the agency rule-making web site. This concise explanatory statement (CES) is to comments received as required by RCW 34.05.325 (6) (a)(iii) and (b).

The adopted rules comply with the legislative intent and authority granted us in state law under RCW 43.19.125 and RCW 46.08.150. A thorough review of the final adopted regulations, consistent with requirements under the Administrative Procedure Act 34.05.340 (2) (a) through (c), did not reveal any substantial differences from the proposed rules published in the Washington State Register (WSR) under WSR 20-01-174.

The adopted rules reflect DES's effort in seeking participation in the rulemaking process from a large diverse group of stakeholders. We would like to thank the many participants who contributed to this process and without whose help this undertaking would have been challenging.

2. Differences between proposed and adopted rule text

There are no changes between the proposed and adopted rule text.

3. Comment summary and our consideration of the comments

Enterprise Services received comments in several formats, including email, oral testimony, letters, and through an online comment tool through our agency website. We have tried to present comments as closely as possible to their original formats. The comments listed are verbatim and we made no changes to correct typos, grammatical or other similar errors.

Enterprise Services received a number of comments that did not cite a specific section or provision of the proposed regulations. We organized these comments into broad topical categories like - “Verbal permission to park free,” “Parking for those with disabilities,” and “Camping on Campus Property.”

Oral comments received at the public hearing

Just Housing Olympia, the Northwest Justice Project, and Columbia Legal Services each submitted oral comments at a virtual public hearing held on December 5, 2020. The transcripts of the public hearing capture their comments. Each group commenting at the public hearing indicated their intention to submit their comments in written form before the end of the comment period. Columbia Legal subsequently responded on behalf of all three.

Written comments received by email

Columbia Legal Services submitted comments by email on behalf of Just Housing Olympia, the Northwest Justice Project, and Columbia Legal Services.

Comment
<p>We submit these comments on behalf of Just Housing Olympia, the Northwest Justice Project, and Columbia Legal Services. Just Housing Olympia is a Thurston County-based organization with housed and unhoused members that provides safety, health, and advocacy support to local encampments. In recent years, Just Housing Olympia has worked closely with people living in their vehicles and is currently providing intensive support for those living along Ensign Road in Olympia. This support includes working with local jurisdictions to participate in and support the creation of Safe Parking options in Thurston County. The Northwest Justice Project is a statewide civil legal aid organization that represents Washington residents living in poverty. Columbia Legal Services is a statewide nonprofit organization that advocates for laws that advance social, economic, and racial equity for people living in poverty. Northwest Justice Project and Columbia Legal Services have each represented and provided legal services to individuals living in vehicles and individuals experiencing homelessness.</p> <p>We write to provide our comments on the proposed overnight and extended parking restrictions along Deschutes Parkway. Our organizations previously submitted joint comment to DES at an earlier phase of rulemaking in 2019.</p> <p>We ask that DES cease efforts to implement the proposed rule changes and redirect resources towards supporting regional and ongoing efforts to create legal and safe parking options for people living in their</p>

Comment

vehicles in Thurston County. We believe the proposed rule changes will greatly harm many individuals who live in their vehicles and exacerbate the ongoing housing crisis in Thurston County. Impounding vehicles used as housing, particularly without prior notice and during a pandemic, also raises significant legal and constitutional questions.

Homelessness and vehicle residence are increasing in Olympia and Thurston County

The City of Olympia has previously described homelessness as the “the single most significant and urgent public concern facing the Olympia community.”¹ In recent years, Thurston County has witnessed a significant increase in the number of people living in their vehicles. Thurston County’s 2020 Point in Time Count showed a rise in the number of individuals sleeping in vehicles or RVs/boats from 2019, a population the report suggests may include a significant number of women with children.²

Families and individuals living in their vehicles are struggling to survive. For many individuals experiencing homelessness in Olympia, their vehicle may be their only form of shelter and their last refuge before resorting to sleeping unsheltered on the street. Thurston County’s homeless community members and neighbors come from many different walks of life and are rendered shelterless for many reasons. Some of the most common reasons for homelessness include eviction after job loss or struggles with serious physical disabilities. Vehicle residences provide a small measure of safety, security, and dignity for many in our community.

In addition to the rapid increase in the number of people living in their vehicles in Thurston County, we have simultaneously witnessed the ineffective and unjust shuffling around of people who are just trying to survive. This is due in large part to harmful ordinances in place in local jurisdictions, as well as the continued refusal of some jurisdictional entities to actively participate in the creation and support of safe and legal parking options.

Constant displacement harms vehicle residents and creates regional burdens

Currently, there are no places within Thurston County where people who are living in their vehicles can park legally overnight or for an extended period of time. In Lacey, camping outside is criminalized and recreational vehicles are required to leave city limits after four hours. (Lacey Municipal Code 8.10; Lacey Municipal Code 10.14.020.) These laws are currently being challenged in court by the Northwest Justice Project.³ In Olympia, recreational vehicles must leave city limits after being parked for more than 24 hours. (Olympia Municipal Code 10.16.030.) Requiring the navigation of parking ordinances like these and those proposed by DES place yet another heavy and unnecessary burden upon people who are living in their vehicles.

DES also holds some responsibility for the shuffling around of these vulnerable community members and the ways that a whack-a-mole approach to homelessness has exacerbated our regional crisis. Less than six months ago, over 30 people living in their vehicles were parked along Deschutes Parkway. In August of 2020, DES displaced this group of people while offering no legal alternative location for people to move to. What our community saw as a result was an instantaneous and drastic increase in the number of people living along Ensign Road in Olympia, near Providence St. Peter’s Hospital—our community’s main emergency and medical resource. The sudden and significant increase of people living in this area led to increased safety and health concerns, particularly around access to the hospital. In October, as a result of these concerns, the City of Olympia attempted to remove the encampment. However, this effort was halted after the Attorney General’s Office warned it would violate Governor Inslee’s eviction moratorium.⁴ The Attorney General also noted that the City of Olympia needed to first consider residents’ reasonable accommodation requests for time to find a

Comment

safe place to park, made by a number of disabled residents under the Washington Law Against Discrimination and Americans with Disabilities Act, before taking any steps to remove those residents.

Since the stay of removal from Ensign Road, the City of Olympia and Thurston County have doubled down on efforts to create Safe Parking options for our community. Thurston County has committed \$530,000 toward this effort. The City of Olympia is exploring options to offer land to support a parking area. The Cities of Lacey and Tumwater are also at the table. These efforts represent progress for our community's regional response to homelessness. DES' effort to implement this proposed rule directly conflicts with the coordinated efforts of these local jurisdictions and, in addition, threatens to increase burden they carry as they struggle to respond to this crisis.

Despite the promising efforts of local jurisdictions working together towards the creation of Safe Parking options, our community is still short of the resources needed to actualize the projects currently stuck in the planning stages. With that in mind, it is our perspective that our entire community would be better served by DES ceasing these rulemaking efforts in favor of redirecting resources towards supporting these regional efforts. Considering the role that DES has thus far played in displacing people living in their vehicles to other local jurisdictions, we believe this is both the most effective and responsible path forward. If DES chooses to move forward with restricting parking overnight, we urge it not to enforce any new parking restrictions without first ensuring that there are alternative locations for houseless individuals to legally and safely park their vehicles and RVs. It is critical that any alternative locations offered to people are accessible 24 hours a day, and do not require people to move their vehicles daily. Again, joining regional efforts to create Safe Parking options is an option available to DES to ensure safe and alternative places for vehicle residents to park, prior to any parking changes being implemented.

Additionally, we urge DES to remove the proposed language in WAC 200-200-351 (3) which would provide for immediate impoundment without any prior notice for any individual who violates Deschutes Parkway parking laws. This type of "no notice" impound was previously reserved in this WAC section for situations where vehicles pose an immediate threat to public safety or where they obstruct the flow of traffic. Immediate impoundment without prior notice is unnecessary, legally suspect, and harmful to those who may live in their vehicles.

Implementing parking restrictions which may result in multiple impoundments or "sweeps" of individuals living in their vehicles is also harmful in light of the current pandemic. The CDC's official guidance on COVID-19 and individuals experiencing homelessness is:

If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.⁵

In keeping with this guidance, other jurisdictions have eliminated some forms of hour restrictions on parking and limited the towing of vehicles to situations where the vehicle poses a safety hazard.⁶ As an alternative to displacement, other jurisdictions are also working to provide free waste pumps to RV occupants as a way to mitigate some of the environmental concerns related to vehicular living.⁷

Existing and pending legal cases suggest that restrictions such as that proposed by DES are impermissible

The consequences for families living in vehicles who miss a parking sign or who cannot comply fully with the parking laws are dire. Unaffordable parking fines push low-income families deeper into poverty, and impoundment can cause loss of shelter entirely. The Washington State Supreme Court recently recognized

Comment

that “...for the poor, impoundment often means forfeiture. While there are procedures for an owner to recover an impounded vehicle, for the poor who cannot afford the towing and storage fees, these procedures offer little relief.” *State v. Villela*, ___ Wn.2d ___ (2019), quoting *In re Impoundment of Chevrolet Truck*, 148 Wn.2d 145, 149, 60 P.3d 53 (2002) (Chambers, J., concurring).

Existing legal cases and pending cases also suggest that certain impoundment processes for individuals living in vehicles may be unconstitutional.

In *Martin v. Boise*, the 9th Circuit held that prohibiting sleeping or camping on public property is unconstitutional when those individuals have no meaningful alternative or place to go. The United States District Court for Oregon, Medford Division, recently held that such prohibitions are unconstitutional regardless of whether they are criminal or civil in nature.

In *City of Seattle v. Steven Long*, the Court of Appeals for Division I held that the impound process for vehicles, where someone’s vehicular home is held under threat of forced sale until they pay or agree to pay their impound debts, violates Washington State’s Homestead Act. It has been recommended that jurisdictions review their impound and towing procedures in light of this ruling.⁸ This case also involves other significant legal issues, including whether a vehicle residence can be impounded when there are other alternatives to impoundment, and whether excessive fines and fees can be imposed. This case is currently pending on review before the Washington State Supreme Court. A decision in this case could potentially impact impound laws on a statewide basis.

In *Potter v. City of Lacey*, the United States District Court for the Western District of Washington is currently considering a challenge to a City of Lacey ordinance which, like DES’s proposed rule, resulted in expulsion of people living in RVs. The plaintiff asserts that Lacey’s ordinance banning RVs from parking for longer than four hours within Lacey city limits violates a number of state and federal constitutional protections because it effectively banishes people who rely on RVs for housing from Lacey.

The proposed rule will impact disabled individuals and implicates the ADA and WLAD

We are also concerned about the impact of the proposed rule on disabled individuals who live in their vehicles. Thurston County’s 2020 Point in Time Count found that one of the most common reasons for homelessness in Thurston County is struggle with serious disabilities (page 18). Title II of the Americans with Disabilities Act and the Washington Law Against Discrimination protect people with disabilities against policies that may burden them more than others. Public entities are required to provide reasonable modifications or accommodations to their policies and programs in order to avoid such discrimination. Many vehicle-sheltered residents live with disabilities that may make the proposed restrictions unduly burdensome. For instance, they may need to take medications that leave them unable to operate a vehicle during part of the day, or have accessibility needs that limit the number of other places they can place their vehicles. Forced moves may be discriminatory against specific disabled individuals. DES should halt its rule making efforts to more thoroughly consider the disproportionate impact this rule will have on disabled individuals. If DES does move forward with implementation, DES should create a simple process by which disabled, vehicle-sheltered individuals can request modifications to the rule under the ADA and WLAD.

In conclusion, rather than enacting restrictive parking regulations that may potentially run afoul of state or constitutional law and which will inevitably harm both people who are living in their vehicles and the ongoing efforts of local jurisdictions, we urge DES to do the following:

Comment

- Cease this rulemaking effort and instead redirect resources towards supporting local partners in creating effective and lasting solutions to our regional homelessness crisis;
- If DES does implement this rule, suspend enforcement as to vehicle-sheltered individuals pending creation of a Safe Lot or designation of other alternative parking space;
- If DES does implement this rule, remove the proposed language in WAC 200-200-351 (3) which would provide for immediate impoundment without any prior notice for any individual who violates Deschutes Parkway parking laws;
- If DES does implement this rule, create a simple process by which vehicle-sheltered individuals who live with disabilities can request reasonable modifications to the rule.

Response

Enterprise Services made changes to the Capitol Campus traffic and parking regulations in order to make the regulations easier to understand and to clarify the rulemaking authority of the director of the Department of Enterprise Services.

With one exception, changes made during this rulemaking do not add additional requirements, prohibitions, or restrictions to the current rules in place. The exception is the addition of a new rule addressing parking when associated with an authorized campus activity permitted under chapter 200-200 WAC, Use of the Capitol Campus Buildings and Grounds.

A principle of DES's rulemaking approach is to make rules consistent, simple, and understandable. In following this principle, DES seeks to eliminate redundancy, and avoids repeating requirements found in other state and federal statutes and regulations:

- Where DES does not have the discretion to disregard other state or federal requirements; or
- Where the rules already incorporate by reference other state or federal requirements and deletion would cause confusion.

One example is the requirement under RCW 46.55.010 to provide for a 24-hour notification before impounding an unauthorized vehicle. We have incorporated this requirement by reference into the parking and traffic regulations. Another example is federal and state requirements governing Americans with Disabilities specifically as they relate to parking. DES has no discretion in this area and other governance is explicit. Because of this, we do not duplicate or repeat those requirements.

Much of your comment appears to address overall policies regarding homeless populations and the challenges they face. While we remain sensitive and aware of the needs of homeless populations, regulations related to homeless issues are outside the reach of the rulemaking authority of the department as well as the department's statutory roles, duties, and responsibilities. Because of this, we are unable to address those aspects of your comments.

DES actively monitors and remains in compliance with the impacts of case law such as Seattle v Long and applicable COVID-related proclamations.

Written comments received online

General Comments

Comment
thank u
The current status is unacceptable. Thank you for attempts to change it. The citizens who pay for maintenance of State government deserve consideration over those who pay no taxes. Littering is not acceptable and those who litter should be held accountable.
All good changes. They make the rules more clear.
I FULLY SUPPORT the proposed changes!!!
Controlling parking on capitol campus, including Deschutes Parkway, as the rule proposes is reasonable.
And I think it is a bad idea.
How about what we as taxpayers get to use what we own?

Response
Our review of these comments has determined that no response is necessary, as they do not make any specific recommendations or suggestions.

Visitor and employee parking

Comment
It sucks that state employees have to pay to park at work.
State Employees should not have to pay to park at their primary work location and should be guaranteed a place to park if needed in the course of state business. This policy is shameful social engineering in practice. In addition this policy creates inequity for employees who may not be able to afford to live or do not wish to live in dirty and dangerous downtown Olympia.

Response
State law under RCW 46.08.172 requires Enterprise Services to “establish equitable and consistent parking rental fees for the capitol campus...to be charged to employees, visitors, clients, service providers, and others.” Enterprise Services has a process in place to meet these requirements.

Authority of the Director

Comment

The placing of signs, barriers etc. should be in the best interest of all citizens, not just to satisfy the Directors perspectives exclusively.

Response

Traffic regulation on the Capitol Campus is part of DES's duties under RCW 46.08.150

Towing unpermitted vehicles

Comment

I am happy to finally see that employee paid parking is going to be respected and enforced. The rules will make it clear as day that without an employee permit or visitor pass, your car will be towed.

Response

Enterprise Services, together with the Washington State Patrol, practices active management of parking on the Capitol Campus. Active management by its very nature involves discretionary judgment where allowed by state law and rules. In most situations, the decision to tow a vehicle is discretionary and not mandated.

Martin vs. Boise

Comment

This entire process appears to be proceeding without respect to the Boise decision. The state needs to designate the location where people are allowed to sleep in order to designate locations where they are not allowed to sleep.

Response

Enterprise Services considers all legal requirements, including case law, when managing parking on the Capitol Campus. In alignment with current practice, we assess the application of Martin v Boise on a case-by-case basis. In some circumstances, we may coordinate the assessment with the local jurisdiction and local homeless service providers.

Homelessness related concerns

Comments
Please clean up the state the homeless population is ridiculous and that there's two sets of rules for us and Them is asinine. We hard-working citizens are paying for this mess and that's not okay
Please do not take punitive measures with houseless people who are our neighbors and friends.
I notice that nowhere does this mention the direct impact on houseless folks who live in vehicles.

Response
Enterprise Services considers all legal requirements, including case law, when managing parking on the Capitol Campus.

Limits on the number of vehicles employees may register

Comment
Employees should be allowed to register more than 2 vehicles. My spouse and I each have a vehicle we drive to work and a 3rd as a back up if our main vehicles are being serviced, etc.

Response
Enterprise Services addresses parking registration through policy, procedures, and other requirements listed on our website. While parking requirements do not limit the number of vehicles employees may register, an employee is restricted to parking a single permitted vehicle at any given time on the Capitol Campus.

Restricted parking areas for events

Comment
Restricted areas for events on campus should not include employee parking spaces/lots.

Response
From time to time, safety and security concerns related to campus events require a temporary relocation of an employees assigned parking location. Temporary relocations may be needed to effectively manage an event, make sure employee vehicles are not at risk of damage, and make sure employees' personal safety is not at risk. When the situation requires temporary relocation of a parking location, the parking office follows an established process that includes advance notice. In many situations, campus events

Response
occur on weekends or holidays when reserved spots are unused and this helps minimize impacts on employee parking.

Enforcement

Comment
Add any additional enforcement language you may need.
There needs to be a section regarding enforcement -- what happens when individuals blatantly disregard the restrictions?
Enforcement of parking violators needs to be a top priority during legislative sessions.
Are there any rules regarding enforcement. I appreciate the efforts to update the language of the law. However if authorities do not enforce the laws it will be a waste of tax payer money that needs to be rectified. Thank you.
Setting out a section on penalties and enforcement action authority might also be helpful in marking out the authority of the director. Right now there isn't any clarity as to whether it would be a police enforcement action or simply campus security.

Response
Enterprise Services, together with the Washington State Patrol, practices active management of parking on the Capitol Campus. Active management involves discretionary judgment where allowed by state law, regulations, and other requirements. Options available to the state range from mitigating a violation directly with the parker, issuing a parking infraction, and in some situations, deciding if the situation merits towing the vehicle.
Enterprise Services and the Washington State Patrol are working together on an implementation plan. A component of the implementation will address enforcement decision making.

Permits

Comment
How much are permits? How long are they good for?
I do not see where (or who) one may apply for or receive a permit.
It's well written if those are all the possible forms of permit.
Who issues the permit?
Requiring permits to park is a good solution.

Comment
Some are purchased and some are not.
Although I agree with the intent, it may be clearer to use one term since the proposed definition of permit is broad.
It is not clear why the state should discriminate between these two groups. Absent a demonstration that discrimination is lawful, it should be removed.

Response
Enterprise Services has put in place policies, procedures, and other requirements addressing these comments. This information including information on permit types, costs, and obtaining a permit is available on our website at https://des.wa.gov/services/travel-cars-parking/parking-services .

Verbal permission to park free

Comment
Need to address how to handle verbal permission given by parking office personnel to park free in pay lots when unauthorized vehicles are parked in your reserved spot.

Response
Enterprise Services, together with the Washington State Patrol, practices active management of parking on the Capitol Campus. Active management by its very nature involves discretionary judgment where allowed by state law and rules. In some situations, resolving a violation may include making sure a permitted parker has access to other parking while an enforcement action is determined.
Enterprise Services follows established protocols within the Parking Office when making sure an affected parker has access to parking.

Right to assemble

Comment
The right of the people to peaceably assemble shall not be infringed. Requiring permits has the effect of infringing on these constitutional rights.

Response

Written authorization such as a parking permit is required for employees and visitors to park in most of the parking areas on the Capitol Campus. When required, a parking permit is not an infringement on peaceful assembly. Parking is readily available in many nearby areas immediately off Campus.

State law, under RCW 46.08.172, requires Enterprise Services to “establish equitable and consistent parking rental fees for the capitol campus...to be charged to employees, visitors, clients, service providers, and others.” Enterprise Services has a permitting process in place in order to meet its statutory requirements.

Parking Restrictions**Comment**

Provide unfettered access to this public space.

Parking is limited to 4 hours, period. Done. Tax dollars saved from all this bullshit. Now get on to your next job.

Response

Enterprise Services and the Washington State Patrol are working together on implementing changes to the regulations. When developing the implementation plan, Enterprise Services considers statutory direction and requirements. Recognizing the limited capacity of parking available on the Capitol Campus, state law does not authorize Enterprise Services to provide unfettered access to campus parking.

A component of implementing the regulations will address putting in place appropriate parking restrictions. Parking restrictions may include setting time limited parking consistent with the intended use of the Capitol Campus.

Parking for those with disabilities**Comment**

Specify in the definitions section that "disabled" includes permits issued by other states or federal agencies and territories.

The disabled permit language does not appear to recognize the reciprocity required by federal law for handicapped permits applied for and received in other states.

Response

The core of DES’s rulemaking approach is increasing understanding, which includes an effort to eliminate redundancy by making sure the rules avoid repeating other related federal and state requirements:

Response
<ul style="list-style-type: none"> • Where DES does not have the discretion to disregard other state or federal requirements; or • Where the rules already incorporated by reference other state or federal requirements have been the rules. <p>An example relating to these comments are federal and state requirements governing Americans with Disabilities, specifically as they relate to parking. State law addresses reciprocity for handicapped permits applied for and received in other states. See RCW 46.19.070. DES does not have the discretion to disregard state or federal requirements relating to American's with Disabilities including reciprocity for handicapped permits applied for and received in other states.</p>

Overnight vehicle parking

Comment
Ban "RV ranching" along the parkway. It's detrimental to the area.
Specifying the location where people may park for extended periods, so there is no confusion.
It would appear from this that DES is prohibiting daytime and overnight parking on Deschutes Parkway. I recommend DES consider regulating parking in this area much like the State Parks Dept .regulates camping. You could designate only certain areas along the parkway with marked parking spots, where an overnight permit is needed. Charge a modest fee to help cover the cost of trash pickup and bathroom cleaning. In other words, manage this like a State Park, not an employee parking area. See https://parks.state.wa.us/179/Rules-regulations
Glad you are addressing this issue. Deschutes Parkway is not an appropriate place for overnight vehicles and it provides a safety, health and economic risk for our entire County.
There is no specification for parking in areas such as the unmarked road side areas where people have in the past parked and lived in RV's and other vehicles for months at a time.

Response
<p>State Parks operates under different statutory authority than Enterprise Services. Under state law, the intent and purpose of State Parks is to provide recreational camping related activities. A statutory intent and purpose of Enterprise Services is effective management of limited parking available on the Capitol Campus.</p> <p>Implementation of changes to the traffic and parking regulations will directly address the management of vehicles parked overnight on the campus. Enterprise Services allows parking when consistent with the Capitol Campus Master Plan, state law, and related rules and policies. Other than expressly allowed by a parking permit issued under WAC 200-200-265 this does not include overnight parking.</p>

Camping on Campus property

Comment
Does this change need to include occupancy of any Capitol Campus property (temporary structures such as tents or other shelters)? That could cover State property adjoining Deschutes Parkway, the campus proper and Sylvester Park.
I'm suggesting the amendments need to be extended to occupancy of State Campus land adjoining parking areas so that authority to remove temporary housing would be clarified.
You may want to specifically state: no camping.
Zero tolerance for ANY homeless parking/camping at any time and for any reason
This is really getting at the homeless issue. They should not be allowed to park there. We are inviting vagrants to come into our once beautiful state that is now a cesspool
If there is going to be enforcement on the parking side, then the large homeless encampment on the other side of the road should be addressed. I have specifically avoided that area when looking for outdoor areas to walk because it no longer feels safe to do so there. The parking aspect is only half the problem. If the other half isn't addressed, then use of the Capitol Lake area will continue to decline as the encampment and activity around it continues to grow.

Response
Other agency rules address camping on the Capitol Campus. WAC 200-220-243 states, "Camping on the state capitol grounds is prohibited unless permitted by the director. Camping means arranging any type of structure, shelter or bedding, or parking a vehicle, for purposes of habitation."
Consistent with this specific prohibition on camping, DES practices active management in preventing and removing encampments. Included in DES's approach is engaging local homeless advocates where appropriate in order to make sure other shelter is available in the area.

Addressing the housing needs of the unhomed

Comment
While the rules are clear I disagree with limiting the use of this public space on humanitarian grounds.
A safe area needs to be created for RVers and homeless to go to, before making this change. This is unfair and not morally right.
There needs to be exceptions for crises and humanitarian uses for this public space.
Free, unfettered access to public space for humanitarian reasons.
This whole process does not take into account the important public service that space is serving to house the homeless.

Comment
It is imperative that solutions to our homeless problem be addressed by actions and places for the betterment of these people so this type of action is not needed. Please continue to engage community services that will help people overcome these depressing situations. Thanks for all your hard work and efforts to keep the Olympia area one of the finest places in the world to live, I have been to 10 countries and I love it here, but we are severely challenged by our present political and economic strangleholds on income disparity.
Easy to access permits for those experiencing homelessness.
The homeless and vagrant should not be receiving permit. Again they need to be removed. Our state needs to be cleaned up. This is unacceptable.
this is not a good time to be placing additional regulations on people who are already struggling. You should be ashamed!

Response
Enterprise Services establishes rules and regulations governing the purpose and use of the Capitol Campus consistent with state law and with the principles laid out in the Campus Master Plan. Understanding that habitation is not an intended purpose or use of the Capitol Campus, the department does not have the authority to address the temporary or permanent housing needs of the un-homed.
This is not to say that the department is unaware of the challenges faced by the un-homed. On a local level, the state is actively participating in conversations with the Regional Housing Council and others about options for recreational vehicles used for habitation.

Health / Safety / Environmental Concerns

Comment
Unfortunately, due to the tremendous amount of suspicious vehicles and tents along Deschutes Parkway it has become an unsafe place to take a walk. I sure hope our leadership will actually take action.
Good to see a rule put forward. The language is cogent and clear. I have lamented both the peoples circumstances in this public space, but I see this space as public and therefore not for anyone to co-opt for their exclusive use. More so, since the area has ecological sensitivity and was being abused with with human waste, litter and drug paraphernalia accumulating and contributing to runoff into waterways. It was untenable and detracted both from the beauty of the area and its health. At the same time, we need to find a place for indigent folks to go and that should be a dispersed pattern so that no one can claim NIMBY because of a homeless town springing up. It is a management problem. But that is another discussion. In short, I applaud the rule and am glad the haphazard habitats are gone from the parkway. In conjunction with the encampment near the 5ave bridge, it was a bad scene and blight on the town.
The homeless should not be able to park where they want and live where they want rent free, littering, creating health hazards, Etc. Working citizens, I mean hard-working citizens are paying for this This needs

Comment
to discontinue. There are not two sets of laws for people Us and Them. We all need to abide by the same rules and this is not okay and whoever's allowing this needs to be let go
The language does not specifically prohibit some of the detrimental behaviors that were done by many of the people that camped in their RVs and other vehicles along Deschutes Parkway. For example: discarding trash and human waste, emptying gray or black water tanks on the ground, storing personal items in the parking spaces (e.g., bicycles, grills, tarps, etc), doing mechanical work on their vehicles, camping on the ground, open camp fires, burning trash, using drugs, and having vehicles with expired tabs.
Add text to the WAC that specifically prohibits the activities I've listed in #2 and others that DES found or had reported to them by citizens that were detrimental to the actual purpose of having the Capital Lake area park and parking.

Response
<p>DES began the process to make changes to the traffic and parking regulations on Nov. 6, 2019. At that time, numerous people had begun living in vehicles parked along Deschutes Parkway. In addition, it was common for unoccupied vehicles to be parked overnight or “stored” there. In other situations, when vehicles used for habitation became unoccupied, other people took advantage of the situation at hand and immediately began living in the vehicles. As a result, DES found it necessary to begin:</p> <ul style="list-style-type: none"> • Responding on a case-by-case basis to investigate reports of associated sewage dumping, abandoned vehicles, damage to state property, unsafe parking, and other issues; • Active engagement and management to educate people about other applicable campus rules, and the ongoing rulemaking. <p>A core principle of DES’s rulemaking approach is to increase understanding, which includes an effort to eliminate redundancy by making sure the regulations avoid repeating other related federal and state requirements:</p> <ul style="list-style-type: none"> • Where DES does not have the discretion to disregard other state or federal requirements; or • Where the regulations already incorporated by reference other state or federal requirements have been the rules. <p>This includes federal and state requirements related to the environment, the intended use of the Capitol Campus under the Capitol Campus Master Plan, and other Campus rules prohibiting camping on the Campus.</p>

Clarity relative to Deschutes Parkway as part of the Capitol Campus

Comment
I assume that somewhere there is a clear definition of the capitol campus. From a quick read of the proposed rule, it isn't obvious that D. Parkway would be included in this rule.
My issue as it pertains to Deschutes Prkwy is that I did not know it was part of the Capital Campus. I see that the language gives allowance for exception to the Director.
How do these specifically related to parking on Deschutes Parkway?

Response
State law and these regulations make clear Deschutes Parkway is part of the Capitol Campus. The definitions section lists Deschutes Parkway as part of the Capitol Campus. WAC 200-200-015(1) lists state laws which lay out various components of the Capitol Campus “including the portion of Deschutes Parkway adjoining state lands.”

Comment
How do these specifically related to parking on Deschutes Parkway?

Response
Initial stakeholder communications indicated the regulations would focus on parking on Deschutes Parkway. During our discussions with stakeholders, it became clear that placing a specific focus on Deschutes Parkway may unintentionally limit the flexibility of Enterprise Services to address future unknown parking circumstances on the Parkway and elsewhere on the Campus.

Clarity

Comment
Generally speaking the rules are well drafted from the perspective of the entity that must enforce the rules. However, the rules are not well drafted from the perspective of the user. I recommend a clear rule writing approach. Based on this draft, I think you will need to have an explanatory document(s) or FAQ to answer basic questions: Where can I park? Do I need a Permit? Where do I get a permit? etc. etc. Please think about your rule making from the perspective of the user and not the enforcer.
This is clear language to me, a person with a Masters Degree, but not to a lay person suffering houselessness.
The simple fact that you need to provide examples: "authorized parking" (e.g. use of a visitor lot) and "permitted parking" (e.g. employee parking permit)" indicates that the it is not clear.
I missed the distinction completely. Perhaps this could be fixed with definitions?
This is not easy to understand for a lay person in crisis.
This is kinda clunky... why not "permits must be placed on front windshield or driver's window"?

Response

Enterprise Services endeavors to write regulations that are both accurate and readable. We welcome editing suggestions, and may modify draft regulations in advance of adoption when a suggested edit will improve accuracy and readability.

Enterprise Services has developed communications and implementation plans and tools to make sure that people know and understand changes to the regulations.

Enterprise Services has put in place policies, procedures, and other requirements addressing many of these comments. This includes information on parking locations, permit types, costs, and obtaining a permit made available on our website at <https://des.wa.gov/services/travel-cars-parking/parking-services>. We are reviewing available information on an ongoing basis to make sure users of the Capitol Campus easing understand parking requirements. This is a planned change in advance of the April 1, 2021 effective date of the rules.

Capitalization of proper terms**Comment**

Shouldn't the proper terms like "Capitol Campus" be capitalized?

Response

The Office of the Code Reviser formats statutes and rules following an established style. The established style does not allow for capitalization of many proper terms. See the Office of the Code Reviser's [Instructions on Style](#) for details.

"Yes" or "No" replies**Comment**

A "YES" or "NO" reply to #6 doesn't make sense....

Response

#6 asks for additional feedback

Comments on specific regulations or provisions

Regarding the appearance of a conflict between WAC 200-200-265 Parking permits for events taking place on the capitol campus and WAC 200-200-193 Parking restrictions on the state capitol grounds

* Note: Enterprise Services moved the following prohibition from section 200-200-200 to a new section 200-200-193: "Parking spaces may not be used for other purposes such as the conduct of private business or the storage of personal property."

Comment
Although parking for conducting a private business is not allowed, vendor parking is. This appears to be a conflict.
My understanding it that during an event the vehicle will have a permit on the front dash stating the permissions to park, where and the duration.

Response
Conducting a private business out of a vehicle is a standard prohibition unless authorized in advance by Enterprise Services. Issuing parking permits that allow parking in connection with a specific event under chapter 200-220 WAC is an allowable exception to standard restrictions on how parking is used.

Regarding the clarity of WAC 200-200-265 Parking permits for events taking place on the capitol campus.

Comment
Here is an example where it is unclear who is responsible for what and the tone makes it less clear. How about: "WAC 200-200-265 Parking permits for events taking place on the capitol campus. The parking office may issue a permit to park in a restricted parking area or other area for vehicles participating as a vendor or sponsor at a campus event or when providing transportation to an event permitted under chapter 200-220 WAC. Permits will be issued to the registered vehicle owner or operator who is participating as an event vendor or sponsor. The Parking office will identify the parking location; specify the duration parking is allowed; and indicate if overnight parking is allowed. Owners and operators are asked to clearly display the parking permit from the front windshield of the vehicle." This does the same thing but makes it clear who is responsible for what in a nicer way.

Response
As part of implementation, Enterprise Services will put in place a clear and simple process on obtaining a permit to park in a restricted parking area. This process will identify the associated regulation and will make it clear who is responsible for each step of the process. Recognizing implementation requirements further clarify and support the regulations; Enterprise Services had determined changes are not necessary.

Comment

Can not having a place to park your home be considered an "event" since it is a temporary situation and use?

Response

[WAC 200-220-243](#) prohibits camping on state capitol grounds and further clarifies that parking a vehicle on the Capitol Campus for the purpose of habitation is camping. In addition, the Capitol Campus Master Plan does not identify using the Capitol Campus for habitation (temporary or permanent) as an intended use of the campus. Because of this, parking a vehicle on the Capitol Campus when using the vehicle as a home is not a permissible activity.

Regarding the clarity of WAC 200-200-015 Definitions (6) Permit**Comment**

Although I agree with the intent, it may be clearer to use one term since the proposed definition of permit is broad.

Response

We have reviewed the proposed definition of permit and the specific regulations addressing the use of permits. The definition of permit is broad by intent. Other regulations intended to be used together with the definitions provide further clarity. After consideration, we determined the definition of permit is clear.

Regarding the clarity of WAC 200-200-193 Parking restrictions on the state capitol grounds**Comment**

Special focus should be given due to the fact that the demographic who mostly parks long-term on the Deschutes parkway doesn't worry much about rules and regulations.

There should be specifics that no parking is allowed at any time in any area that does not have marked parking spaces

Response

Enterprise Services endeavors to write regulations that are both accurate and readable. We welcome editing suggestions, and may modify draft regulations in advance of adoption when a suggested edit will improve accuracy and readability.

Response

Enterprise Services has developed communications and implementation plans and tools to make sure that people know and understand changes to the regulations. Included in the implementation of the adopted regulations is making sure that clear signage is in place for those areas where parking is restricted or limited.

Regarding the clarity of WAC 200-200-210 Display of permits

Comment

Who serves who here? The permitting language makes it difficult to park without an attorney's review.

Response

Enterprise Services endeavors to write rules that are both accurate and readable. We welcome editing suggestions, and may modify draft rules when a suggested edit will improve accuracy and readability.

Does moving the *language to section 200-200-193 make it clear that it is applicable to all types of parkers on campus vs just state employees?

* Note: Enterprise Services moved the following prohibition from section 200-200-200 to a new section 200-200-193: "Parking spaces may not be used for other purposes such as the conduct of private business or the storage of personal property."

Comment

I think even just adding a line that says it applies to all vehicles parked on the capitol campus unless specifically exempted would go a long way towards making it clear.

Response

The Washington Administrative Code groups the traffic and parking regulations by common content for clarity and ease of use:

- Definitions (200-200-015
- Traffic Regulations (200-200-020 through 200-200-140);
- Parking Regulations – General (200-200-185 through 200-200-193);
- Parking Regulations – Permits (200-200-200 through 200-200-320);
- Parking Regulations – Enforcement (200-200-350 through 200-200-372); and
- General (200-200-500)

The rules listed under **Parking Regulations – General** currently apply to all vehicles parked on the capitol campus unless specifically exempted. This includes WAC 200-200-193. We have determined that adding a line to WAC 200-200-193 that says it "applies to all vehicles parked on the capitol campus unless

Response

specifically exempted” is redundant to the wayfinding already embedded in the written structure of the regulations.

Comment

Why not just call things: employee parking and visitor parking?

Response

There is significant overlap of who can park where on the Capitol Campus. Some examples are:

- Some employee permits allow parking in visitor lots;
- Some state employees who do not work on the Capitol Campus park in the metered areas;
- Both employees and visitors park along the Deschutes Parkway; and
- In some circumstances, a parking permit may be issued to either an employee or to a visitor.

Attempts to make a sharp distinction between employee parking and visitor parking would require a system wide analysis and subsequent overhaul of parking signage, informational literature, parking related websites, the parking permitting system and the parking rules. We have determined a systemic change is costly and provides nominal value.

Attachments

A1: [Written comments received online](#)

A2: [Written comments received by email](#)

A3: [Public hearing transcript](#)

A4: [Zoom video of the public hearing](#)