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**IDAPA 38
TITLE 04
CHAPTER 04**

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.04.04 - RULES GOVERNING CAPITOL MALL PARKING

000. LEGAL AUTHORITY.

The following Rules are promulgated pursuant to the authority of Section 67-5708, Idaho Code, and Senate Concurrent Resolution No. 135 (1976). (7-1-98)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 38.04.04, "Rules Governing Capitol Mall Parking," IDAPA 38.04.04. (7-1-98)

02. Scope. These rules govern parking in the Capitol Mall. (7-1-98)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, an agency may have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost in the office of the agency. (7-1-98)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative appeals of the procedures set forth in this chapter. (7-1-99)

004. CITATION.

The official citation of this chapter is IDAPA 38.04.04.000 et sequence. For example, this section's citation is IDAPA 38.04.04.004. (7-1-98)

005. DEFINITIONS.

01. Assigned Parking. A parking space assigned to a particular person, vehicle, or agency. (7-1-98)

02. Facilities Services. Bureau of Facilities Services, Division of Public Works, Department of Administration. (7-1-98)

03. Capitol Mall Employee. A state employee who receives a state-issued paycheck from a tenant agency. (7-1-98)

04. Employee with a Disability. An employee with a disability as defined in Section 49-117(7)(b), Idaho Code. (7-1-98)

05. General Parking. A parking space used for all Capitol Mall employees registered for general parking. (7-1-98)

06. Legislative Attaché. A Capitol Mall employee who works for the legislative branch during the legislative session. (7-1-98)

07. Temporary Contract Employee. An employee of a temporary service company working temporarily at the Capitol Mall to provide services in place of a full-time Capitol Mall employee on leave or vacation. (7-1-98)

08. Tenant Agency. An agency occupying a building located in Boise and controlled and operated by Facilities Services, specifically excluding the State Insurance Fund and all agencies located at the building at Third and Main Streets in Boise. (7-1-98)

09. Visitor. Anyone visiting the Capitol Mall to carry out state business or attend a state sponsored event. (7-1-98)

006. -- 009. (RESERVED).

010. ADMINISTRATION.

The administration of Capitol Mall parking shall be under the direction of: (7-1-98)

01. Address. Chief, Bureau of Facilities Services, Division of Public Works, Department of Administration. (7-1-98)

02. Inquiries. All inquiries relating to Capitol Mall parking should be directed to the above office. (7-1-98)

03. Hours. These rules are in effect Monday through Friday and during normal hours of operation. Parking will not be monitored during off hours except for unauthorized non-state parking. All parking lots and garages are open only to state employees and visitors. All lots and garages will be posted for state use only. (7-1-98)

011. -- 099. (RESERVED).

100. PARKING LOT LOCATIONS.

All lots managed by Facilities Services located in the area bounded by Hays Street on the north, 13th Street on the west, Grove Street on the south and 1st Street on the east and that are posted with green Capitol Mall parking signs. (7-1-98)

101. -- 199. (RESERVED).

200. SPACE ALLOCATION.

01. Assigned Parking. (7-1-98)

a. Assigned parking will be allotted and assigned by Facilities Services to: elected state officials; directors of executive departments; employees with a disability; individuals upon application and payment for an assigned parking space; state employee carpool vehicles; during the legislative session, legislators; and tenant agencies demonstrating, to the satisfaction of Facilities Services, an unusual circumstance or a compelling need for assigned parking for state vehicles. (7-1-98)

b. Assigned Parking Spaces. In no event shall more than eighteen percent (18%) of total parking spaces be used for assigned parking. The following spaces shall be marked and set aside for assigned parking. Vehicles parking in these spaces shall display parking permits that are appropriate for assigned parking and shall park in the space assigned to that parking permit. The assigned parking spaces are the first floor of the State Parking Garage and those parking spaces clearly marked as assigned by a stenciled name or numbered block or such other place for assigned parking as designated by Facilities Services. (7-1-98)

02. Legislative Parking. (7-1-98)

a. Legislature in Session. When the Legislature is in session, Legislators shall receive, upon request and payment as provided for herein, assigned parking spaces and shall receive a "Legislator"-imprinted parking permit. During a Legislative session, vehicles parking in areas designated for Legislative parking must display permits imprinted "Legislator." During the time period that the Legislature is not in session, a vehicle displaying a "Legislator"-imprinted parking permit may park in any general parking space within the Capitol Mall. (7-1-98)

b. Only during a regular or special session of the Legislature, the following areas shall be assigned for Legislative parking: those parking spaces on the third level of the State Parking Garage that are marked with gold parking blocks and those spaces in other lots that are marked with gold parking blocks or clearly marked for legislative use. During any time that the Legislature is not in session, these parking spaces will be used for general

parking. (7-1-98)

c. Violations. When the Legislature is in session, it shall be a violation of these rules to park in a parking space marked for Legislative use unless the vehicle has a parking permit imprinted with "Legislator." (7-1-98)

03. Capitol Mall Disabled Employee Parking. (7-1-98)

a. Long Term Disability. Employees with a permanent or long term disability (i.e., six (6) months or more) shall, upon payment of a general space monthly fee, be issued a parking permit imprinted "person with a disability" which shall allow unlimited parking in an assigned space in the Capitol Mall as close as possible to said employee's work station. (7-1-98)

b. Short Term Disability. Employees with a short term disability (i.e., six (6) months or less) shall, upon payment of a general space monthly fee, be issued a "Special" parking permit which will allow unlimited parking in an assigned parking space in the Capitol Mall. Said special permit shall be limited in duration to the term of the disability. (7-1-98)

c. An employee claiming a disability shall be required to submit a statement from a physician stating the duration and extent of the disability or a "person with a disability" parking permit from the Idaho Transportation Department. (7-1-98)

04. Carpools. Sufficient space in Capitol Mall lots shall be assigned and marked for state employee carpool vehicles. "State employee carpool vehicle" is defined as any vehicle that carries, on a daily basis, three (3) or more Capitol Mall employees. Upon application, spaces shall be assigned at no cost, and an appropriate permit issued, for carpool vehicles. Upon the absence from work of a carpool employee, the carpool vehicle may park in its assigned space but under no circumstances may a carpool vehicle park in a carpool space when carrying less than two (2) employees. (7-1-98)

05. State Vehicles. Parking for tenant agencies state vehicles will be on the top level of the State Parking Garage or in other Capitol Mall lots marked with green parking blocks or clearly marked for state vehicles only. State vehicles using these areas for permanent parking must have a properly displayed permit. An employee may park a private vehicle in a state vehicle space when removing a state vehicle and may use the state vehicle permit in the private vehicle. Non-Capitol Mall visiting state vehicles may park in these spots with no permit until 4:00 p.m. each weekday. (7-1-98)

06. General Parking. All Capitol Mall employees will be eligible for general parking permits through a payroll deduction plan or automatic fee collection system. Capitol Mall employees participating in this plan will be issued employee general parking permits. Employee general parking permits shall be valid in any general space in any Capitol Mall parking lot or garage. (7-1-98)

07. Visitor Parking. Short term daily parking areas for visitors will be available in various Capitol Mall parking lots on a no-charge basis, for at least the first hour. Visitor spaces shall be clearly marked with a sign with the words "Capitol Mall Visitor Parking Only. No Capitol Mall Employees." Visitor parking shall be limited as posted. Non-Capitol Mall state vehicles qualify for visitor parking. It shall be a violation of these rules for a state employee working in the Capitol Mall to park in a visitor parking space for any period of time between 8 a.m. and 5 p.m., Monday through Friday. (7-1-98)

08. Special Visitor Permits. Facilities Services may issue "Special Visitor" parking permits. Vehicles displaying a valid "Special Visitor" parking permit attached as directed may park in a general parking space or as stamped on the Special Visitor parking permit. Special Visitor permits may be issued to contractors working in the Capitol Mall to allow a contractor to park a work vehicle in a visitor or general parking space. Upon application and proof of payment of the general parking fee, Facilities Services may issue a Special Visitor parking permit and allow general parking privileges to temporary contract employees and to employees of companies that provide a service to Capitol Mall employees, including but not limited to employees of the credit union and employees of vendors of the Commission for the Blind and Visually Impaired. (7-1-98)

201. -- 299. (RESERVED).

300. SPACE CHARGES.

01. Charges. The charge for a parking permit shall be established by the Department of Administration. The monthly assigned parking fee will not exceed fifty dollars (\$50); general parking fees shall not exceed fifty percent (50%) of the assigned fee. The fee will not be changed more often than annually. Capitol Mall employees shall be charged on a payroll deduction basis or on an automatic deduction system. (7-1-98)

02. Elected Officials. The governor, lieutenant governor, secretary of state, attorney general, state auditor, state treasurer, superintendent of public instruction, president pro-tem of the senate and speaker of the house shall be provided assigned parking at no fee. (7-1-98)

03. Legislators. Legislators and attaches who register for a parking space shall pay the general space fee for every month that the Legislature is in session. (7-1-98)

04. State Tenant Agency Vehicles. Vehicles belonging to state agencies leasing office space from the Department of Administration in the Capitol Mall shall receive general state vehicle parking permits for a general space monthly fee. (7-1-98)

301. -- 399. (RESERVED).

400. PARKING PERMITS.

Any Capitol Mall employee may be issued a maximum of two (2) parking permits and will be charged the appropriate parking fee for each permit. Only one (1) such permit may be used at a time. In the event that a permit is lost or destroyed, an employee must sign a statement to that effect prior to a new permit being issued. A replacement charge, not to exceed the monthly general parking fee, shall be charged for a new permit. It shall be a violation of these rules to: use an invalid parking permit; use a parking permit reported lost or stolen; fail to properly display a valid Capitol Mall parking permit; or transfer a general employee permit to a non-registered vehicle. (7-1-98)

401. -- 499. (RESERVED).

500. TERMINATION.

01. Delinquent Permits. Facilities Services may terminate any delinquent parking permit. A parking permit will become delinquent if the monthly parking fee is not paid by the 20th of each month for which the charge is due. (7-1-98)

02. Parking Privileges Suspension. Facilities Services may terminate parking privileges for up to six (6) months for a violation of these rules, except that a termination of a delinquent permit shall be effective only until the permit is reactivated as provided for herein. In addition, any employee observed repeatedly by Capitol Mall security to be driving above posted speed limits or driving against posted directional arrows may have his permit suspended for a period of up to six (6) months, after receiving notice of the violations. Any employee subscriber who has been cited for three (3) violations of these rules and paid a penalty may have his parking privileges revoked for a period of up to six (6) months. (7-1-98)

03. Impound and Towing. Any vehicle that does not have a valid Capitol Mall parking permit may be impounded if it has been cited for three (3) or more violations of these rules, and the citation has not been contested. There will be a service fee, not to exceed forty-five dollars (\$45), for releasing all impounded vehicles. Impounding a vehicle means attaching a device to the vehicle so that the vehicle cannot be moved. Any vehicle parking in an unauthorized space or in a no parking area may be towed or impounded. Any expenses for towing or impound fees are the responsibility of the owner. (7-1-98)

04. Reactivating Permit. A terminated parking permit may be reactivated, after any applicable termination period, by reapplication for the deduction plan through the Bureau of Facilities Services and payment of any delinquent parking fees. (7-1-98)

05. Parking Permit Termination Procedure. If a Capitol Mall employee wishes to terminate parking privileges, that employee must submit a request for termination to Facilities Services and surrender all parking permit(s). Facilities Services will issue an authorization for termination to the employee's payroll clerk to effect a cessation of the monthly parking fee deduction. All payroll clerks shall obtain an authorization for termination from Facilities Services prior to terminating the parking fee from the employee's payroll deduction schedule. No refund will occur after a monthly payroll deduction has been made. (7-1-98)

501. -- 599. (RESERVED).

600. LOADING ZONE PARKING SPACES.

A limited number of spaces in the Capitol Mall shall be designated and marked for short-term pick-up and delivery parking. It shall be a violation of these rules to park in these spaces for an unauthorized purpose or for longer than the designated time allowed which time shall be clearly marked. (7-1-98)

601. -- 699. (RESERVED).

700. PARKING IN MARKED SPACES ONLY.

It shall be a violation of these rules to park a motor vehicle, including a motorcycle, in a location that is not marked as a parking space within the Capitol Mall. This shall include, but not be limited to, parking in or on a driveway, sidewalk or common driving area of any parking lot, or parking one (1) vehicle in more than one (1) space. (7-1-98)

701. -- 799. (RESERVED).

800. ENFORCEMENT.

Facilities Services shall leave notice at or on any vehicle parked in violation of these rules. This notice may be in the form of a warning or violation notice and shall bear the date and hour of leaving the same at or upon the vehicle. A warning may be used only for those infractions that do not cause the loss of a parking space and do not cause a safety hazard. If a vehicle has been issued two (2) warnings in any one (1) year period, upon a subsequent violation, a violation notice shall be issued. All violation notices issued by Facilities Services shall be forwarded to the City of Boise for collection or prosecution. The authority of Facilities Services to issue warnings or violation notices is in addition to, and not in limitation of, the authority of Facilities Services to terminate parking privileges as provided for in these rules. (7-1-98)

801. -- 899. (RESERVED).

900. WAIVER OF RULES.

Pursuant to Idaho Code Section 67-5708, the Administrator for the Division of Public Works may waive any or all of the provisions of these rules if the Administrator determines that application could result in discrimination among employees or that application of the rules would cause hardship or an unintended result. (7-1-98)

901. -- 999. (RESERVED).

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