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**IDAPA 38
TITLE 04
CHAPTER 04**

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). (3-29-10)

001. TITLE AND SCOPE.

01. Title. These rules are cited as IDAPA 38.04.04, "Rules Governing Capitol Mall Parking." (3-29-10)

02. Scope. These rules govern parking in the Capitol Mall. (3-29-10)

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. (3-29-10)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative appeals of the procedures set forth in this chapter. (3-29-10)

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference. (3-29-10)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Capitol Mall Parking is open from 7:30 a.m. to 4:30 p.m. except Saturday, Sunday and legal holidays. (3-29-10)

02. Mailing Address. Capitol Mall Parking's mailing address is: Capitol Mall Parking, P.O. Box 83720, Boise, Idaho 83720-0013. (3-29-10)

03. Street Address. Capitol Mall Parking is under Facilities Services, Division of Public Works, Department of Administration, and its principal place of business is 550 West State Street, Boise, Idaho 83702-5972. (3-29-10)

04. Web Site Address. Capitol Mall Parking's website at <http://www.adm.idaho.gov/pubworks/facilities/parking/>. (3-29-10)

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-29-10)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Capitol Mall. The Capitol Mall consists of the following buildings: State Capitol (700 W. Jefferson Street), Joe R. Williams (700 W. State Street), Len B. Jordan (650 W. State Street), 550 W. State Street Parking Garage (550 W. State Street), Pete T. Cenarrusa (450 W. State Street), Division of Public Works (502 N. 4th Street), Alexander House (304 W. State Street), State Library (325 W. State Street), 954 Jefferson (954 W. Jefferson Street), Capitol Annex (514 W. Jefferson Street), Blind Commission (341 W. Washington Street), Borah Building (304 N. 8th Street), and Idaho Supreme Court (451 W. State Street). (3-29-10)

02. Capitol Mall Employee. A state employee whose assigned work area is in the Capitol Mall, and who receives a state of Idaho-issued paycheck from a tenant of the Capitol Mall. (3-29-10)

03. Carpool. A vehicle carrying two (2) or more Capitol Mall employees who are working in the Capitol Mall at least four (4) work days per week. (3-29-10)

04. Employee with a Disability. An employee with a disability as defined in Section 49-117(7)(b), Idaho Code. (3-29-10)

05. Executive Branch Departments. Department of Administration, Department of Agriculture, Department of Commerce, Department of Correction, Department of Environmental Quality, Department of Finance, Department of Fish and Game, Department of Health and Welfare, Idaho State Police, Idaho Transportation Department, Industrial Commission, Department of Insurance, Department of Juvenile Corrections, Department of Labor, Department of Lands, Department of Parks and Recreation, Department of Revenue and Taxation, State Board of Education and Department of Water Resources. This definition excludes the Department of Self-Governing Agencies. (3-29-10)

06. Facilities Services. Bureau of Facilities Services, Division of Public Works, Department of Administration. (3-29-10)

07. General Parking. A parking space used for all Capitol Mall employees registered for general parking. (3-29-10)

08. Legislative Attaché. An employee hired by the Legislative branch that receives a state of Idaho-issued paycheck during the Legislative session or is a year round employee of the Legislative branch. (3-29-10)

09. Legislator. A member of the Idaho Senate or the Idaho House of Representatives for the state of Idaho. (3-29-10)

10. Reserved Parking. A parking space assigned to a particular person, vehicle or agency. (3-29-10)

11. State Elected Officials. The governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer and superintendent of public instruction, for the state of Idaho. (3-29-10)

12. Temporary Contract Employee. An employee of a temporary employment service company who is working temporarily for a tenant of the Capitol Mall. (3-29-10)

13. Visitor. Any person visiting the Capitol Mall to carry out state business or attend a state-sponsored event. (3-29-10)

011. -- 019. (RESERVED)

020. PARKING LOT LOCATIONS.

All Capitol Mall parking lots will be identified by signage. Capitol Mall Parking manages the state-owned parking lots at the following locations: 550 W. State Street Parking Garage, 10th and Jefferson Streets, 8th Street between State and Bannock Streets, 7th and Washington Streets, and 3rd and Washington Streets. Capitol Mall Parking also manages parking spaces in and around the following Capitol Mall buildings: Capitol Annex, Len B. Jordan, Pete T. Cenarrusa, Division of Public Works, Borah Building and Idaho State Library. (3-29-10)

021. TYPES OF AVAILABLE PARKING.

Designated parking spaces are available for reserved parking, state elected officials and directors of executive branch departments, Legislators, carpool, disabled employees and state agency vehicles. All other parking spaces, unless designated as public or visitor parking, are considered general parking. (3-29-10)

022. PARKING SPACE ALLOCATION.

01. Reserved Parking Spaces. (3-29-10)

a. Reserved parking spaces are available for state elected officials and directors of executive branch departments. Capitol Mall Parking will assign a reserved space to each state elected official and director of executive branch departments upon request. (3-29-10)

b. Reserved parking spaces will be made available to the Senate pro-tem, and the speaker of the House of Representatives. Capitol Mall Parking will assign a reserved space to each individual. (3-29-10)

c. All other Capitol Mall employees may apply for a reserved parking space. General reserved parking spaces are assigned to Capitol Mall employees on a first-come, first-served basis when designated reserved parking spaces become available. (3-29-10)

i. Capitol Mall employees may not sell, trade or barter the right to use their assigned reserved parking space. Capitol Mall Parking retains the right to assign, reassign, suspend or revoke Capitol Mall employees' reserved parking spaces at any time. (3-29-10)

d. Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees are located in the following parking lots only: the first floor of the 550 W. State Street Parking Garage, the Pete T. Cenarrusa Building parking lot, and the 8th Street parking lot between State and Bannock Streets. (3-29-10)

e. Capitol Mall Parking will determine the location of all reserved parking spaces. (3-29-10)

f. Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees will not exceed fifteen percent (15%) of general parking spaces available within the Capitol Mall. (3-29-10)

02. Legislators' Parking Spaces. During Legislative sessions and special sessions, Capitol Mall Parking will make available one hundred three (103) reserved Legislator parking spaces to Legislators. (3-29-10)

a. Legislators may chose to park in either a general Legislative parking space or a reserved Legislator parking space. Each Legislator is required to purchase the appropriate parking permit. (3-29-10)

b. General Legislator and reserved Legislator parking spaces will be on the third floor of the 550 W. State Street Parking Garage and will be clearly marked. When the Legislature is not in session, all Legislator parking spaces will be redesignated as general parking spaces. (3-29-10)

c. When the Legislature is not in session, a Legislator or Legislative attaché, possessing a valid Capitol Mall parking permit, may park in any general parking space. (3-29-10)

03. Disabled Employee Parking Spaces. Capitol Mall Parking will make available reserved disabled employee parking spaces for employees who have a proven disability. (3-29-10)

a. A temporarily or permanently disabled employee who has obtained an Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department may request a reserved disabled employee parking space as close as possible to the employee's work location. (3-29-10)

b. A disabled employee requesting a reserved disabled employee parking space must provide either a copy of his Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department or a copy of the application to the Idaho Department of Transportation for an Americans with Disabilities Act (ADA) placard. (3-29-10)

c. If Capitol Mall Parking only receives a copy of the application to the Idaho Department of Transportation for an Americans with Disabilities Act (ADA) placard, Capitol Mall Parking will provide a temporary reserved disabled employee parking space until the Americans with Disabilities Act (ADA) placard issued by the Idaho Department of Transportation is received. Temporary reserved disabled parking spaces will only be made available for five (5) working days per disabled employee. (3-29-10)

- d.** Reserved disabled employee parking spaces will be marked with signage. (3-29-10)
- e.** A permit for a reserved disabled employee parking space will be the same fee as a permit for a general parking space. (3-29-10)
- 04. Carpool Parking Spaces.** Capitol Mall Parking will make available an indeterminate number of carpool parking spaces, which will be clearly marked, to employees who carpool at least four (4) work days per week. (3-29-10)
- a.** Capitol Mall employees who carpool may request a carpool parking permit from Capitol Mall Parking to use a designated carpool space. (3-29-10)
- b.** Carpool parking spaces will be available on a first-come, first-served basis for vehicles carrying two (2) or more Capitol Mall employees. All carpooling employees must be employees of the Capitol Mall and at least one (1) carpooling employee must have a general parking space permit. (3-29-10)
- c.** A permit for a carpool parking space will be the same fee as a permit for a general parking space. (3-29-10)
- d.** All unoccupied reserved carpool parking spaces will be redesignated as general parking spaces after 9 a.m. work days. (3-29-10)
- e.** It is a parking violation to park in a reserved carpool parking space when the vehicle is carrying less than two (2) Capitol Mall employees before 9 a.m. (3-29-10)
- 05. State-Owned Vehicles Parking Spaces.** Capitol Mall Parking will make available designated state-owned vehicle parking spaces. (3-29-10)
- a.** Capitol Mall Parking will make available an indeterminate number of designated state-owned vehicle parking spaces to department tenants of the Capitol Mall. (3-29-10)
- b.** Designated state-owned vehicle parking spaces will be on the fourth level of the 550 W. State Street Parking Garage, and will be clearly marked "State Vehicle Only." (3-29-10)
- c.** A Capitol Mall employee may park his personal vehicle in a designated state-owned vehicle parking space when removing a state vehicle for state purposes. The Capitol Mall employee's personal vehicle must display the state-owned vehicle parking space permit. (3-29-10)
- d.** A visiting agency employee conducting official business at the Capitol Mall may park a state-owned vehicle in an unoccupied designated state-owned vehicle parking space or in any Capitol Mall visitor parking space. (3-29-10)
- 06. Motorcycle Parking Spaces.** Capitol Mall Parking will make available designated motorcycle parking spaces. (3-29-10)
- a.** Capitol Mall employees may request a special motorcycle parking permit for motorcycles, at no additional cost, to park in the designated motorcycle parking areas. (3-29-10)
- b.** In order to receive a motorcycle permit, the Capitol Mall employee must possess a valid general or reserved parking permit. (3-29-10)
- 07. General Parking Spaces.** All other undesignated parking is considered general parking. (3-29-10)
- a.** All Capitol Mall employees may request a general parking permit from Capitol Mall Parking. (3-29-10)

b. General parking spaces are available on a first-come, first-served basis, and possession of a valid general parking permit does not guarantee the Capitol Mall employee a general parking space. (3-29-10)

08. Visitor Parking Spaces. Capitol Mall Parking will make available a limited number of parking spaces for visitors and the public visiting the Capitol Mall. (3-29-10)

a. Non-metered visitor parking spaces will be available at the parking lot at the corner between 6th and Washington Streets, and on the southern side of the parking lot at the State Library Building, and will be clearly marked. (3-29-10)

b. State-owned vehicles that do not belong to the departments' tenants of the Capitol Mall, and non-Capitol Mall employees visiting the Capitol Mall on business, may park in visitor parking spaces. (3-29-10)

c. Capitol Mall employees may not park in visitor parking spaces between 6 a.m. and 6 p.m., Monday through Friday. (3-29-10)

023. HOURS OF OPERATION.

Space allocation is in effect from 6 a.m. through 6 p.m., Monday through Friday, excluding legal holidays. (3-29-10)

024. -- 029. (RESERVED).

030. PARKING PERMITS.

Capitol Mall Parking will issue applicable parking permits to Capitol Mall employees. (3-29-10)

01. Parking Permits for Reserved, Legislator, Disabled Employee, Carpool, State-Owned Vehicles and General Parking. (3-29-10)

a. Capitol Mall Parking will reissue parking permits once a year. Outdated parking permits must be returned to Capitol Mall Parking. (3-29-10)

b. Capitol Mall Parking will issue one (1) type of parking permit to each Capitol Mall state elected official, director of an executive branch department, Legislator and employee, with the exception of a carpool parking permit and a special motorcycle parking permit. (3-29-10)

c. Capitol Mall Parking will issue only one (1) parking permit per employee. Capitol Mall Parking will not provide duplicate parking permits to employees. State elected officials, directors of executive branch departments, and Capitol Mall employees with reserved parking spaces may request an additional parking permit for an additional vehicle for five dollars (\$5). (3-29-10)

d. All individuals and department tenants are responsible for displaying the parking permit in the front windshield or other prominent location of the parked vehicle at all times. (3-29-10)

e. In the event that a parking permit is lost or destroyed, the official, Legislator or employee must sign a statement to that effect prior to Capitol Mall Parking issuing a new permit. (3-29-10)

02. Temporary Monthly Parking Permits. An individual performing work or providing services to a department tenant in the Capitol Mall, but who does not receive a state of Idaho-issued paycheck, may purchase a general monthly parking permit for a fee from Capitol Mall Parking. (3-29-10)

a. Upon request and receipt of the general parking permit fee, Capitol Mall Parking may issue a monthly general parking permit to individuals performing work or providing services to a department tenant in the Capitol Mall but who do not receive a state of Idaho-issued paycheck. This includes, but is not limited to, employees of the Idaho Central Credit Union, employees of vendors of the Commission for the Blind and Visually Impaired, and Capitol Mall tenant departments' temporary contract employees. (3-29-10)

031. PARKING PERMIT FEES.

Parking permit fees will be established by the Department of Administration and will be administered by Capitol

Mall Parking. (3-29-10)

01. Elected Officials Parking Permits. The governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer, superintendent of public instruction, Senate pro-tem, and the speaker of the House of Representatives will be provided a reserved parking space at no charge. Additionally, upon request, Capitol Mall Parking will provide the governor two (2) additional reserved parking spaces. (3-29-10)

02. Directors of Executive Branch Departments. Directors of executive branch departments will be provided a reserved parking space at the reserved parking space rate, and executive branch departments will be charged for the reserved parking spaces annually by Capitol Mall Parking. (3-29-10)

03. Reserved Parking Permits. Reserved parking space permits are twenty-five dollars (\$25) per month. (3-29-10)

04. General Parking Permits. General parking space permits are five dollars (\$5) per month. (3-29-10)

05. Payment for Parking Permits. Capitol Mall employees will be charged the respective permit fee in the first paycheck of each month through a payroll deduction or through an automatic deduction system. (3-29-10)

06. Legislators. Legislators who request a general Legislator parking space permit must pay the general parking permit fee, and Legislators who request a reserved Legislator parking space must pay the reserved parking permit fee. Legislators and Legislative attachés who request parking spaces must pay the associated space fee for every month that the Legislature is in session. (3-29-10)

07. State-Owned Vehicles. State-owned vehicles belonging to the tenant departments will receive general state vehicle parking permits for a general parking space monthly fee. (3-29-10)

08. Replacement Permits. If a parking permit is lost, stolen or destroyed, the Capitol Mall employee will be charged a five dollars (\$5) replacement fee for a new permit. (3-29-10)

032. -- 039. (RESERVED)

040. PARKING LOT VIOLATIONS.

01. Driving Violations. Any driving violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. (3-29-10)

a. It is a violation of these rules to drive or operate a personal vehicle negligently or recklessly in any Capitol Mall parking lot or garage. It is a violation of these rules to drive or operate a vehicle under the influence of illegal substances or alcohol in any Capitol Mall parking lot or garage. (3-29-10)

b. It is a violation for any individual to drive above the posted speed limits or drive against posted directional arrows. (3-29-10)

02. Parking Violations. Any parking violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. (3-29-10)

a. It is a violation of these rules to park in a location that is not marked as a parking space within the Capitol Mall. This includes, but is not limited to, parking in or on a driveway, sidewalk or other common driving areas of any parking lot or garage. It is also a violation to park one (1) vehicle in more than one (1) parking space. (3-29-10)

b. It is a violation to park in a reserved Legislator parking space without displaying the appropriate permit during Legislative sessions. (3-29-10)

c. It is a violation to park in a reserved parking space, in a reserved disabled employee parking space,

or in a reserved carpool parking space before 9 a.m., without displaying the appropriate parking permit. (3-29-10)

d. It is a violation to park a motorcycle in any space not designated for motorcycle parking, unless the individual possesses a valid reserved parking permit and parks in his designated reserved parking space. (3-29-10)

e. It is a violation of these rules to: (3-29-10)

i. Use an invalid parking permit; (3-29-10)

ii. Use a parking permit reported lost or stolen; (3-29-10)

iii. Fail to properly display a valid Capitol Mall parking permit; or (3-29-10)

iv. Transfer an invalid permit to another person. (3-29-10)

03. Other Violations. The Capitol Mall parking lots and garage are private property, and any tampering or other physical defacement of any vehicle parked on the lots or in the garage is considered a violation. (3-29-10)

a. The distribution of flyers or other materials on vehicles parked on Capitol Mall parking lots and in the 550 W. State Street Parking Garage is prohibited, and violators will be escorted off the property. (3-29-10)

b. Any individual engaging in suspicious activity or threatening behavior, or an individual loitering in a Capitol Mall parking lot or in the 550 W. State Street Parking Garage, will be escorted off the property. (3-29-10)

c. Public access is not allowed in the 550 W. State Street Parking Garage before 6 a.m. and after 6 p.m. and violators will be considered trespassers. (3-29-10)

041. ENFORCEMENT.

01. Security and Patrol. Capitol Mall parking lots and the 550 W. State Street Parking Garage are secured and patrolled by Capitol Mall Parking, or its authorized representative. (3-29-10)

02. Notice of Violation. Upon witnessing or finding a violation of these rules, Capitol Mall Parking, or its authorized representative, will leave notice with any person driving or on the vehicle parked in violation of these rules. (3-29-10)

a. Notice may be in the form of a warning or a violation, will bear the date and hour of the violation, the nature of the violation, and the name of the Capitol Mall Parking employee or its authorized representative. A warning notice may be used only for those violations that do not cause the loss of a parking space and do not cause a safety hazard. (3-29-10)

b. A ticket may be issued by Capitol Mall Parking, or its authorized representative, for a fine of at least two dollars (\$2), but will not exceed twenty-five dollars (\$25). (3-29-10)

c. If an individual is determined to have altered, counterfeited or otherwise misused a parking permit, a ticket may be issued by Capitol Mall Parking, or its authorized representative, for a fine not to exceed fifty dollars (\$50). (3-29-10)

d. All tickets issued by Capitol Mall Parking, or its authorized representative, will be forwarded to the city of Boise, county of Ada, for collection or prosecution. (3-29-10)

e. Capitol Mall Parking is not precluded from suspending or terminating an individual's parking privileges if the warnings or fines have been imposed for the same violations. (3-29-10)

042. SUSPENSION OR REVOCATION OF PARKING PRIVILEGES.

01. Delinquent Payment. Capitol Mall Parking may suspend or revoke any individual's parking permit if the parking permit fee is unpaid and at least thirty (30) days delinquent. Upon payment in full, Capitol Mall Parking will restore the individual's parking permit. (3-29-10)

02. Parking Privileges Suspension. (3-29-10)

a. Capitol Mall Parking may suspend an individual's parking permit and privileges for up to six (6) months for a violation of these rules. (3-29-10)

b. Any Capitol Mall Parking permit holder, including a temporary parking permit holder, who has been cited for three (3) violations of these rules within six (6) months, may have his parking permit and privileges revoked for up to twelve (12) months. (3-29-10)

03. Towing and Impounding. (3-29-10)

a. Capitol Mall Parking or its authorized representative may tow any vehicle from any Capitol Mall parking lot or the 550 W. State Street Parking Garage, belonging to an individual who has been cited for three (3) or more Capitol Mall parking violations within a twelve-month period. The owner of the vehicle will be charged a service fee for releasing the towed and impounded vehicle. (3-29-10)

b. In the event that the vehicle is considered a security risk, Capitol Mall Parking will make reasonable efforts to locate the owner of the vehicle before it is towed. (3-29-10)

04. Reactivating a Suspended Permit. A suspended parking permit may be reactivated at the end of or after the applicable suspension period by reapplying for the automatic payroll deduction plan through Capitol Mall Parking and payment in full of any delinquent parking fees. (3-29-10)

043. SURRENDER OF PARKING PERMIT.

01. Surrender of Permit. When an official, Legislator or Capitol Mall employee no longer works in the Capitol Mall or no longer needs to utilize Capitol Mall parking, the individual must submit a request to Capitol Mall Parking to cease automatic payroll deduction or billing for Capitol Mall parking. The individual must surrender the parking permit to Capitol Mall Parking within ten (10) days of the effective date of termination. (3-29-10)

02. Cancellation of Automatic Payroll Deduction. (3-29-10)

a. Capitol Mall Parking will notify the individual's agency's payroll clerk to cease the monthly parking fee deduction. Capitol Mall Parking will not refund a monthly parking fee after a monthly payroll deduction has been made. (3-29-10)

b. Agency payroll clerks must receive a written request from Capitol Mall Parking prior to deleting the monthly parking fee from the employee's payroll deduction schedule. (3-29-10)

044. -- 049. (RESERVED)

050. LOADING ZONE PARKING SPACES.

Capitol Mall Parking will designate and mark a limited number of parking spaces for short-term collection and delivery parking. It is a violation to park in loading zone parking spaces for an unauthorized purpose. (3-29-10)

051. WAIVER OF RULES.

Pursuant to Section 67-5708, Idaho Code, 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 otherwise violate law. (3-29-10)

052. -- 999. (RESERVED)

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