DEPARTMENT OF PERSONNEL & ADMINISTRATION

DIVISION OF CENTRAL SERVICES

NOTICE OF FINAL ADOPTION OF
CAPITOL COMPLEX PARKING RULES

A public hearing was held at 9:30 A.M. on Tuesday, October 4, 2005, at the Department of Personnel & Administration Executive Office conference room at 633 17th Street, Denver, Colorado, to consider adoption of the Capitol Complex Parking rules. All interested parties were given an opportunity to submit written and oral comments prior to the adoption of the rules.

A copy of the rules is permanently filed with the Department of Personnel & Administration, Division of Central Services, 1525 Sherman Street, Suite B-15, Denver, Colorado, and may be inspected by any person during regular business hours.

Therefore, the Department of Personnel & Administration, Division of Central Services, hereby adopts these Capitol Complex Parking Rules on October 28, 2005. The rules will become effective twenty days after publication as provided in the State Administrative Procedures Act.

Jeffrey M. Wells, Executive Director
Department of Personnel & Administration

DEPARTMENT OF PERSONNEL & ADMINISTRATION

DIVISION OF CENTRAL SERVICES

CAPITOL COMPLEX PARKING RULES

Adopted October 28, 2005

Statement of Basis, Purpose, and Authority

The purpose of these rules is to provide for comprehensive management and regulation of State-owned parking facilities including those in the vicinity of the State Capitol. Authority exists under §§ 2-2-321, 24-30-1003, 24-30-1104(4), 24-30-1105, 24-82-103, C.R.S. (2005), and H.J.R. 05-1054.

DEPARTMENT OF PERSONNEL & ADMINISTRATION

DIVISION OF CENTRAL SERVICES

CAPITOL COMPLEX PARKING RULES

1.0 Generally.

1.1 The Department of Personnel & Administration (DPA), Division of Central Services, is responsible for the management, maintenance, and administration, including the establishment of rules, regulations, rental fees, and charges, regarding all State-owned parking facilities in the Capitol Complex, including:

- State Capitol circle drive at 201 E. Colfax Avenue
- Parking structure at 1350 Lincoln Street
- Parking lot at 1325 Sherman Street
- Parking lot at 1520 Lincoln Street (including alley)
- Parking lot at 1530 Sherman Street
- Parking lot at 1570 Grant Street
- Any other parking lots or facilities within the Capitol Complex.

1.2 The State-owned parking facilities at 690/700 Kipling Boulevard, 1881 Pierce Street, 1001 E. 62nd Avenue, 780 Grant Street, and the State Office Building in Grand Junction also shall be managed by DPA pursuant to these rules, except that rules 5, 6, 8, and 9 shall not apply. All other State-owned parking facilities shall be managed by the primary agency using the facility, and shall not be subject to these rules.

2.0 Definitions.

2.1 "Agency space" means a location assigned to a state agency or institution for official business.

2.2 "Assignee" means an individual state employee who has been assigned a parking space.

2.3 "Capitol Complex" means the area encompassing state-owned buildings and grounds within the area bounded by 16th Avenue, Broadway, 11th Avenue, and Logan Street in the City and County of Denver.

2.4 "Carpooler" means a person registered as a driver or passenger in a carpool or vanpool.

2.5 "Individual space" means a location assigned to a particular state employee for his or her personal use.

2.6 "Waiting list" means those employees who have applied for, but not yet received, individual parking spaces in a State-owned parking facility.

3.0 Applications.

3.1 The head of each state agency or institution, or his or her delegee, may request in writing agency spaces to be used for official business purposes.

3.2 Any state employee who works at least half-time may apply for an individual space using the approved form. It is an employee's continuing responsibility, while either on the waiting list or assigned a parking space, to update the contact information by submitting a revised form to the Capitol Parking Authority within five working days of any change.

4.0 Assignments.

4.1 Spaces in the State Capitol circle drive are allocated by joint resolution of the General Assembly pursuant to § 2-2-321, C.R.S. By H.JR. 05-1054, the General Assembly allocated 124 spaces to the legislative branch, 25 spaces to the Office of the Governor, and charged DPA with the administration of the remaining spaces for the use of other elected officials, the Colorado State Patrol, disabled employees working in the State Capitol, loading, facilities maintenance, and other purposes. Authorized individuals parking in the State Capitol circle drive shall not be subject to rules 3 and 8.

4.2 All parking spaces other than those allocated in accordance with rule 4.1 shall be allocated by DPA pursuant to § 24-82-103, C.R.S. If an employee is offered a space but declines, the employee will be moved to the end of the waiting list.

4.3 Elected officials other than those parking in the State Capitol circle drive, heads of principal departments, justices of the Supreme Court, judges of the Court of Appeals, and the State Court Administrator shall each be provided one space in the Lincoln Street parking structure without charge. Additional spaces will be provided in accordance with rule 3.1 and billed for in accordance with rule 5.2.

4.4 An employee requesting disabled access parking must provide a copy of either the disabled access permit card issued by the Division of Motor Vehicles or the registration showing that the vehicle has disabled access license plates.

4.5 Motorcycles and scooters may be parked in the Lincoln Street parking structure and the parking lot at 1325 Sherman Street. Another type of vehicle, such as a car or truck, may not be parked in a motorcycle/scooter space. However, employees that have been assigned a regular space may use that space to park a motorcycle or scooter. Scooters and bicycles may be parked without charge at any bicycle rack provided at a state parking facility.

4.6 DPA reserves the right to retain, eliminate, or reassign parking spaces or to change public access upon 30 days' notice, or without notice due to security measures determined necessary by DPA or the Department of Public Safety. A displaced agency or individual displaced parker shall have a preference when a space becomes available.

4.7 All vehicles are parked in state facilities at the risk of the owners, drivers, and passengers. Neither the State of Colorado, nor any of its agents or employees, shall have any liability or obligation to anyone for any damage or loss with respect to any vehicle or its contents while parked at any state facility.

4.8 Neither agencies nor employees may reassign or sublease parking spaces. Agencies shall determine their own policies for assigning allocated agency spaces, and DPA will not mediate employee complaints concerning agency assignments.

4.9 A state agency space is reserved at all times, and an individual space is reserved during normal state business hours. On Saturdays, Sundays, and holidays, a state employee with an assigned individual space is guaranteed a space in the facility, but not the particular reserved space.

4.10 The Executive Director of DPA may authorize the leasing of all or a portion of the spaces in any parking facility to local governments or private entities in connection with community, civic, or commercial purposes outside of normal state

business hours. Every such lease shall contain provisions requiring the lessee to without reservation indemnify and hold harmless the State of Colorado, DPA, and all state officers and employees.

5.0 Fees.

5.1 Each year, DPA conducts a survey of similar parking facilities surrounding the Capitol Complex, and uses that information to set parking rates, pursuant to § 24-82-103(2), C.R.S.

5.2 DPA will bill for agency spaces on a current basis within the same month as the accounting period through an interagency transfer. An agency must provide any changes in billing information to the Capitol Parking Authority by the first business day of each month.

5.3 An employee must authorize a monthly payroll deduction to pay for an individual parking space before the space will be assigned. Individual parking fees are deducted from the same month's salary.

5.4 All refunds are made through payroll system and will be pro-rated based upon the number of calendar days in the month in which parking is commenced or terminated. The termination date used will be the date the Authority receives the parking permit and remote, if applicable.

5.5 All fees, penalties, or other funds received pursuant to these rules shall be deposited pursuant to § 24-82-103, C.R.S.

6.0 Carpool and Vanpool Discounts.

6.1 A driver of a carpool or vanpool is eligible for a reduced parking rate based on the number of passengers, by meeting all of the following requirements:

(a) The driver who has been assigned the space must be a state employee.

(b) All carpooler must ride to and from work together at least four days per week excluding sick, annual, or other approved leave time.

(c) No person may be claimed in more than one carpool or vanpool, nor may any person be assigned an individual space while participating in a carpool or vanpool.

(d) All carpoolers must complete the approved Carpool/Vanpool form, and complete an updated confirmation of the information at least annually.

6.2 The amount of the reduced parking rate depends upon the number of persons participating in the carpool or vanpool. With two carpoolers, a 25% discount shall apply. With three carpoolers, a 50% discount shall apply. With four carpoolers, a 100% discount shall apply.

6.3 Should the carpool or vanpool fail at any time to comply with the requirements of rule 6.1, it will no longer qualify for reduced parking rates.

7.0 Permits and Parking Access Devices.

7.1 A numbered parking permit in the form of a plastic tag indicating facility and a parking access device (if required) will be issued for each assigned space. The permit must be displayed in the front windshield so that the number is in plain view. When an assignee leaves state employment, the permit and parking access device must be returned to the Capitol Parking Authority. Parking permits and parking access devices must be returned whenever an assignee changes or relinquishes a space.

7.2 A charge of ten dollars will be assessed to replace a lost, stolen, broken, or unreturned permit. A charge of twenty-five dollars will be assessed to replace a lost, stolen, broken, or unreturned parking access device. Payments for permits and parking access devices must be made by personal check payable to the Capitol Parking Authority. No refund or credit will be made for the return of a lost, stolen, broken, or unreturned permit or parking access device after a new permit or device has been issued. If a permit or device that has been reported lost or stolen is found in use, the individual using the permit or device may be subject to appropriate civil, criminal, and personnel action.

8.0 Violations

8.1 An administrative penalty of twenty dollars will be assessed for each of the following violations:

(a) Failure to display a valid permit.

(b) Unauthorized parking in a disabled access space.

(c) Parking in a loading zone.

(d) Improper parking so as to hinder vehicle or pedestrian traffic.

(e) Unauthorized parking in an assigned space.

(f) Failure to maintain current assignee or passenger information, if applicable.

8.2 An administrative penalty of fifty dollars will be assessed and the vehicle may be towed for each of the following violations:

(a) Double parking.

(b) Parking in or blocking a crosswalk.

(c) Parking in or blocking a driveway.

(d) Parking in a prohibited zone.

(e) Falsification, duplication, fabrication, or alteration of a parking permit.

8.3 The owner of the vehicle shall be responsible for the payment of any administrative penalty and towing or storage charges, if applicable.

9.0 Enforcement.

9.1 Only authorized DPA personnel may issue citations or authorize the towing of vehicles at state facilities for violations of these rules. Enforcement in the State Capitol circle drive shall be as directed jointly by the Speaker of the House of Representatives and the President of the Senate.

9.2 Each citation will include a date and time for the respondent to appear before an administrative law judge at the Office of Administrative Courts, 633 17th Street, 14th Floor, Denver, Colorado. A respondent not wishing to contest a citation may pay the assessed penalty by sending a check made payable to the Capitol Parking Authority at 1525 Sherman Street, B-15, Denver, Colorado 80203. An additional fee of twenty dollars will be added for any check returned for insufficient funds

9.3 A respondent may contest an assessed penalty by appearing personally or through legal counsel at the date and time specified on the citation at the Office of Administrative Courts. A hearing fee of twenty dollars shall be assessed, which shall be waived if the respondent prevails at the hearing. If the respondent fails to appear for the hearing, the judge will enter a default judgment against the respondent.

9.4 If the judge rules in favor of the respondent, the citation shall be dismissed. If the judge rules against the respondent, the respondent may appeal to the Director of the Division of Central Services pursuant to § 24-4-105(15), C.R.S. The appeal must include the respondent's name, date of citation, citation number, a copy of the judge's decision and a brief explanation of why the respondent believes the administrative law judge's decision was incorrect.

9.5 The decision of the Director of the Division of Central Services shall constitute final agency action under § 24-4-106(4), C.R.S.

9.6 A citation that has remained unpaid for thirty days after issuance, or in the case of a contested citation, for thirty days after an unappealed decision of an administrative law judge or the Division Director, shall be deemed delinquent. When a citation becomes delinquent the amount due shall double and be referred to the Office of Central Collections for further action.