

City of Seattle and King County

NOTICE OF PROPOSED ADMINISTRATIVE RULE AND OPPORTUNITY TO COMMENT

The director of the City of Seattle's Department of Finance and Administrative Services (FAS) and the director of King County's Department of Executive Services (DES), acting under the authority of Seattle Municipal Code chapter 3.02 and chapter 6.310, section 6.310.140, and King County Code chapter 2.98 and chapter 6.64, section 6.64.021 and section 6.64.111.C, respectively, propose adopting a rule concerning the Wheelchair Accessible Services Fund (the Fund) and using the Fund to reimburse owners and drivers of wheelchair accessible vehicles (WAVs) for certain costs.

Specifically, the proposed rule would:

- 1) Phase back in minimum trip requirements (which were temporarily suspended during the COVID-19 pandemic) to be eligible for certain reimbursement types; and
- 2) Simplify how vehicle owners are reimbursed for the costs of acquiring, converting, and maintaining a wheelchair accessible vehicle (WAV).

An electronic copy of the proposed rule is available at <http://www.seattle.gov/finance-and-administrative-services/directors-rules> and <https://www.kingcounty.gov/depts/records-licensing/licensing/taxi-for-hire-transportation-networks/notices-regulations.aspx>. Seattle and King County intend to repeal Seattle rule FOR-HIRE-TRANSPORTATION-01-2021 and King County rules FIN-10-3-3-PR.

PUBLIC COMMENT: The City of Seattle and King County are seeking public comments on the proposed changes to the rule governing reimbursements from the Wheelchair Accessible Services Fund. Comments may be provided by phone, email, or regular mail, and must be received no later than 5 p.m. on Monday, January 3, 2022.

To provide comments by phone, please call: 206-386-1267.

Please email or mail written comments to:

City of Seattle
Department of Finance and Administrative Services
Attention: Lachen Chernyha
700 Fifth Ave., Floor 42
P.O. Box 94785
Seattle, WA 98124-4785
lachen.chernyha@seattle.gov

AND

King County
Department of Executive Services – Records and Licensing Services Division
Attention: Sean Bouffiu
500 Fourth Ave, Suite 411
Seattle, WA 98104
sean.bouffiu@kingcounty.gov

Calvin W. Goings, Director, Department of Finance and Administrative Services
Caroline Whalen, Director, Department of Executive Services



Seattle

Department: City of Seattle Department of Finance and Administrative Services	Rule No: FOR-HIRE TRANSPORTATION- 01- 2021 2022	Supersedes: Clerk File <u>321710321871</u>
	Publication: 1/8/2021	Effective: 2/6/2021
Subject: Reimbursement from the Wheelchair Accessible Services Fund	Code and Section Reference(s): SMC 6.310.175 SMC 6.310.140 (rulemaking authority)	
Approved: <hr/> Division Director <hr/> Business Unit Officer <hr/> Calvin W. Goings, Department Director	<hr/> Date <hr/> Date <hr/> Date	



King County

Department: King County Department of Executive Services Sponsoring Agency: Records and Licensing Services Division (RALS)	Document Code No.: FIN-10-3- 34 -PR	Repeals: FIN-10-3- 23 -PR
	Publication: 1/8/2021	Effective: 2/6/2021
Title: Reimbursement from the Wheelchair Accessible Services Fund	Authorities: KCC 6.64.111 KCC 6.64.021 (rulemaking authority)	
Approved: <hr/> Department Director	<hr/> Date	

City of Seattle and King County Taxicab, Transportation Network Company Vehicle and For-Hire Vehicle Rules

City of Seattle Director's Rule FOR-HIRE TRANSPORTATION-01-~~2021~~2022 and King County Public Rule FIN-10-3-~~34~~PR– Reimbursement from the Wheelchair Accessible Services Fund

Pursuant to an interlocal agreement, the City of Seattle ("City") and King County ("County") work cooperatively to provide for-hire regulatory services to the public. The following rule supersedes City of Seattle Clerk File ~~321871321710~~. King County adopts this rule to replace King County Document Code Number FIN-10-3-~~23~~PR, which is hereby repealed.

- I. **Purpose.** The City and County each created Wheelchair Accessible Services Funds ("Fund") to ensure the continued viability of wheelchair accessible for-hire transportation service for passengers throughout the City and County. The following rule:
 - A. Establishes the conditions and procedures for distributing proceeds from the Fund to eligible drivers and owners of Wheelchair Accessible Vehicles as required by the Seattle Municipal Code (SMC) and the King County Code (KCC).
 - B. Defines the methodology for distributing proceeds from the Fund in a manner that offsets the higher operational costs incurred by the owners and drivers of Wheelchair Accessible Vehicles.

- II. **Definitions.** The following terms have the following meanings when used in this Rule:
 - A. "City" means the City of Seattle.
 - B. "Contract Trip" means TPWs performed pursuant to a contract for pickup of passengers as allowed for in SMC 6.310.530 and KCC 6.64.760.
 - C. "County" means King County.
 - D. "CPD" means the Consumer Protection Division of the City's Department of Finance and Administrative Services.
 - E. "DES" means King County's Department of Executive Services.
 - F. "Director" means the City of Seattle Department of Finance and Administrative Services Director or designee and/or the King County Director of the Department of Executive Services or designee.
 - G. "FAS" means the City of Seattle's Department of Finance and Administrative Services.
 - H. "Fund" means the City of Seattle's Wheelchair Accessible Services Fund, King County's Wheelchair Accessible Services Fund, or both.
 - ~~I. "New" – when referring to a vehicle – means a vehicle that has not been previously titled.~~
 - ~~J.I.~~ "RALS" means the Records and Licensing Services Division of King County's Department of Executive Services.
 - ~~K.J.~~ "Shift" means a driver operating a Wheelchair Accessible Vehicle for a period of no less than four (4) continuous hours within a 24-hour period.
 - ~~L.K.~~ "TPW" means any completed trip where a WAV and its driver are dispatched to provide service to one or more passengers in a wheelchair.
 - ~~M.L.~~ "Wheelchair Accessible" – when referring to a vehicle – means the vehicle has been designed or modified to transport passengers in wheelchairs or other mobility devices. Specifically, it refers to vehicles that conform to the vehicle accessibility requirements of the Americans with Disability Act (ADA), as established in Title 49 of the Code of Federal Regulations Chapter 38, Subpart B, and that have been inspected and approved by the Director.

~~N.M.~~ “Wheelchair Accessible Taxicab” or “WAT” means a Wheelchair Accessible taxicab that, as a condition of its City and/or County medallion, is specifically required to be Wheelchair Accessible. These include the 50 WATs as of November 1, 2019, and any WAT subsequently awarded a City medallion and/or County medallion through a request for proposal, lottery or other competitive process.

~~O.N.~~ “Wheelchair Accessible Vehicle” or “WAV” means both WATs and Voluntary Conversions.

~~P.O.~~ “Voluntary Conversion” means a Wheelchair Accessible taxicab, for-hire vehicle, or transportation network company (TNC)-endorsed vehicle that is not required to be Wheelchair Accessible as a condition of the vehicle’s medallion or endorsement, but whose owner voluntarily chooses to be Wheelchair Accessible. Voluntary Conversions must be inspected and approved by the Director before transporting passengers in wheelchairs, and must comply with all eligibility requirements established in Sections III.A.1 and III.A.2 of this Rule.

III. Reimbursement from the Fund.

A. General Requirements.

1. All WAVs.

a. In addition to meeting the specific eligibility requirements associated with each reimbursement type established in Section ~~IV-III.B~~ of this rule, WAV owners and drivers must remain in compliance on an ongoing basis with the following requirements:

i. Prior to placing the WAV into service and annually thereafter, the vehicle must be inspected by an approved mechanic and issued a valid certificate of safety as required by SMC 6.310.320 and KCC 6.64.360. ~~be inspected and approved for conformance with Title 49 of the Code of Federal Regulations Chapter 38, Subpart B. Inspections must be conducted by approved ASE-certified technicians, and may occur at the same time as the annual uniform vehicle safety inspection.~~

ii. The Director ~~may shall~~ require a separate inspection of the installed accessibility equipment to occur each year.

1) To pass this inspection:

a) The vehicle must conform with Title 49 of the Code of Federal Regulations Chapter 38, Subpart B; and

b) During that inspection, the Director may require the vehicle owner and/or any driver(s) of that vehicle to must pass complete a practical demonstration of demonstrate proper wheelchair securement techniques.

1)2) If the vehicle driver fails the practical demonstration, the Director may require the person to undergo additional training before returning to try the practical demonstration again. No WAV will pass this inspection until the driver is able to pass a practical demonstration of proper wheelchair securement techniques.

~~iii.~~ Once in service as a WAV, any driver operating the WAV must hold a valid for-hire driver’s license or for-hire driver’s permit issued

by the County with a WAT endorsement attached to their for-hire driver's license or permit. A WAT endorsement demonstrates that the driver has successfully completed training regarding the special needs of passengers in wheelchairs, including but not limited to, loading and tie-down procedures and door-to-door service.

~~iii~~.iv. Once in service as a WAV, the driver will provide service to passengers in wheelchairs before any other passenger per SMC 6.310.450.J and KCC 6.64.680.K. Failure to prioritize a trip or trips with a passenger using a wheelchair (TPW) may result in temporary or permanent denial or reduction of reimbursement from the Fund after considering the gravity of the violation; the number of past and present violations committed; and the good faith of the violator in attempting to achieve compliance after notification of the violation.

- b. The Director may deny or limit requests for Fund reimbursement based on driving records, conduct records and/or failure to meet the minimum operating requirements established by City and County Code.
- c. The Director may require taxi associations, for-hire vehicle companies, TNCs, and/or licensees to submit additional supporting documentation to ensure compliance with this Rule. The Director may deny or condition reimbursement based on compliance with this subsection.

2. Voluntary Conversions.

- a. Anyone interested in voluntarily converting a vehicle to a WAV and accessing the Fund should consult with the Director prior to acquiring or converting a vehicle.
- b. Once the owner of a Voluntary Conversion has passed the inspection~~(s)~~ required by Sections III.A.1.a.i and III.A.1.a.ii of this rule and submitted documentation to CPD and DES, the owner may apply to the Director for written approval indicating eligibility for the Fund reimbursement. Such approval is required for Voluntary Conversions to receive Fund reimbursements.
- c. To avoid the impact of additional WAVs reducing fund disbursements below the level anticipated by this rule, the Director may impose a moratorium limiting access to reimbursements from the Fund to vehicles already qualified as of a certain date if:
 - i. The quantity of WAVs approved for reimbursement under this rule exceeds 20% growth per year. For purposes of calculating the 20%, the baseline for the initial calculation will be 100 WAVs, and the calculation includes both WATs and Voluntary Conversions regardless of whether the WAVs are associated with a City-only, County-only or dual City-County medallion or TNC vehicle endorsement; OR
 - ii. The balance of the Fund drops below 110% of the sum of all reimbursements made in the previous calendar year; OR
 - iii. The Director determines that WAV supply exceeds demand for accessible service based on, but not limited to, consideration of the following factors: the actual or anticipated demand for more WAVs in the upcoming year, the total number of TPWs, and any other

factors that may affect the supply, demand, and financial viability of WAV service within Seattle and King County limits.

3. **Taxi Association, For-Hire Vehicle Company and TNC Obligations.** To confirm driver and/or vehicle owner eligibility for the reimbursement types established in this rule, Taxi Associations, For-Hire Vehicle Companies and TNCs will submit dispatch records on the WAV vehicle owners' and drivers' behalf to CPD, in a format specified by the Director. On a monthly basis, CPD must receive:
 - a. A copy of dispatch records for all completed trips where a WAV and its driver are dispatched to provide service to one or more passengers in a wheelchair (TPW). The record must be submitted in a format specified by the Director, and must include the association, company or TNC name, vehicle number, driver name, for-hire driver's license number, number of passengers in a wheelchair, an indicator of whether the TPW was a Contract Trip, and time, date, zip code and jurisdiction for both start and end of each trip.
 - b. A copy of dispatch records, in a format specified by the Director, showing the number of Shifts each WAV was in operation, including the start and end date and the start and end time of each Shift and a record of which driver operated the vehicle for each Shift.

B. Reimbursement Categories and Eligibility.

1. Reimbursements for Dispatched Trips to Passengers Using a Wheelchair (TPW).

- a. This reimbursement category is payable to eligible WAV drivers. This was established with consideration for the additional load and unload time associated with picking up a passenger in a wheelchair, and the additional expenses associated with prioritizing TPWs regardless of pickup and drop-off location. This category includes any trip where a WAV and its driver are dispatched to provide service to one or more passengers in a wheelchair.

There are four (4) categories of TPW reimbursement:

- i. **Zip Code.** The following three (3) TPW reimbursement categories are based on pickup and drop-off zip code. Urban, suburban and rural zones will be defined by zip code, as indicated in the zip code map and table attached to this rule. If a trip originates and terminates in different zones, the greater reimbursement rate will apply. Each trip is eligible for no more than one (1) urban, suburban or rural TPW reimbursement.

1) **Urban TPW.** TPWs that originate and terminate in an urban location will be reimbursed at the rate of \$20 per trip.

2) **Suburban TPW.** TPWs that originate or terminate in a suburban area will be reimbursed at the rate of \$30 per trip.

3) **Rural TPW.** TPWs that originate or terminate in a rural area will be reimbursed at a rate of \$40 per trip.

- ii. **Additional Passenger(s) in a Wheelchair TPW.** For every additional passenger in a wheelchair on a dispatched TPW where the vehicle is equipped to secure all wheelchairs included on the trip, the driver is eligible for \$15, in addition to the urban, suburban or rural TPW reimbursement.

- b. Contract Trips are not eligible for TPW reimbursement.

- c. TPW reimbursements will be paid at least monthly, depending on the City's processing schedule.

2. **Shift-Based Reimbursements.**

- a. For the following reimbursement categories, reimbursements are provided based on the number of Shifts a WAV is operated. There are three (3) categories of Shift-based reimbursements:

- i. **WAV Fuel Costs.** This reimbursement category is payable to eligible drivers and is intended to help offset the additional fuel costs associated with operating WAVs. Because these vehicles must be wheelchair accessible, and therefore larger and heavier, they have a lower fuel efficiency than the industry standard vehicle, the Toyota Prius.

- 1) The reimbursement for this category was calculated based on the difference in gas mileage between the Toyota Prius and the Toyota Sienna or equivalent vehicle.
- 2) Each driver is eligible to receive \$15 per Shift that the vehicle is in operation.
- 3) No more than three (3) Shifts per vehicle per day are eligible for the WAV Fuel costs reimbursement. All three (3) Shifts must be performed by a different driver.

- ii. **Off-Peak Shifts.** This reimbursement category is payable to eligible WAV drivers and is intended to help offset costs when demand is low but accessible transportation must be available to improve equity of service.

- 1) Any Shift that includes at least four (4) hours between the hours of 9:00 p.m. and 5:00 a.m. is eligible for the off-peak Shift reimbursement.¹ Each driver is eligible to receive an additional \$45 reimbursement per off-peak Shift completed in a WAV. If the Director determines that WAV supply during off-peak hours is insufficient during the COVID-19 pandemic, as indicated by customer complaints, data on unfulfilled WAV trips and/or any other factor that may affect the supply, demand, and financial viability of WAV service, the Director has the authority to temporarily increase the amount of the off-peak Shift reimbursement. Any increase to the reimbursement amount will be announced on the FAS website. Any increase authorized under this provision will automatically expire on December 31, ~~2021~~2022, at which time the reimbursement amount will revert to \$45 per off-peak Shift.

- ~~2) If, after one (1) year after the effective date of this Rule, the Director determines there is insufficient WAV coverage during over-night hours, the Director may change the definition of an off-peak Shift. When determining whether enough WAV coverage during the over-night hours exists,~~

¹ Off-peak hours were determined based on an analysis of WAT operating data and surveys of customers and drivers conducted in 2018, which found that WAVs are generally not readily available during the overnight hours between 9:00 p.m. and 5:00 a.m.

~~the Director may consider any factors that may affect the supply, demand, and financial viability of WAV service within Seattle and King County limits, particularly during off-peak, over-night hours.~~

~~3)2)~~ No more than two (2) Shifts per vehicle per day are eligible for the off-peak Shift reimbursement. Each off-peak Shift must be performed by a different driver.

iii. **Additional Shifts.** This reimbursement category is payable to WAV vehicle owners and was established to help offset the costs incurred by vehicle owners for making WAVs available for additional Shifts.

1) Eligible WAV vehicle owners may be reimbursed \$30 per Shift that the vehicle is operated by a second and/or third driver if the WAV owner or another driver also completed a Shift in the vehicle during the same 24-hour period. Only the second and third Shifts performed in the vehicle in a given 24-hour period are eligible for this reimbursement; the first Shift of the 24-hour period is not eligible.

2) No more than two (2) Shifts per vehicle per day are eligible for the additional Shift reimbursement. Each Shift must be performed by a different driver.

b. **WAV Eligibility Requirements for Shift-Based Reimbursements.**

i. To be eligible for WAV fuel costs and off-peak Shift reimbursement, the driver must demonstrate that the driver performed a minimum of ~~20-10~~ TPWs during the same calendar month in which the Shift occurred. ~~Contract Trips do not count towards the 20 TPWs required for eligibility. This requirement shall not apply effective Mar. 1, 2020 through Dec. 31, 2021, due to the coronavirus disease of 2019 (COVID-19) crisis. Effective beginning Jan. 1, 2023, and thereafter, to be eligible for WAV fuel costs and off-peak Shift reimbursement, the driver must demonstrate that the driver performed a minimum of 20 TPWs during the same calendar month in which the Shift occurred. Contract Trips do not count towards the minimum number of TPWs required for eligibility.~~

ii. To be eligible for ~~reimbursement of the~~ additional Shifts reimbursement, the WAV vehicle owner must demonstrate that the vehicle performed a minimum of ~~20-10~~ TPWs during the same calendar month in which the Shift occurred. ~~Contract Trips do not count towards the 20 TPWs required for eligibility. This requirement shall not apply effective Mar. 1, 2020 through Dec. 31, 2021, due to the COVID-19 crisis. Effective beginning Jan. 1, 2023, and thereafter, to be eligible for additional Shifts reimbursement, the driver must demonstrate that the driver performed a minimum of 20 TPWs during the same calendar month in which the Shift occurred. Contract Trips do not count towards the minimum number of TPWs required for eligibility.~~

~~After one (1) year after the effective date of this rule, the Director may adjust the minimum number of TPWs required for Shift-based reimbursement eligibility, based on consideration of any factors~~

~~that may affect the supply, demand, and financial viability of WAV service within Seattle and King County limits.~~

- iii. Recognizing current practice, nothing in this rule will mandate owners to make their WAVs available for three shifts during any 24-hour period.
 - c. Shift-based reimbursements will be paid at least monthly, depending on the City's processing schedule.
3. **Reimbursements for Driver Training.** This reimbursement category is payable to drivers to offset the cost of completing one (1) additional training course per year, after completing the initial training required for WAT endorsement. The initial training required for WAT endorsement per SMC 6.310.415.E and KCC 6.64.570.D is not eligible for this reimbursement.
- a. The City will partner with the County and stakeholders to make courses available to drivers. The Director will publish a list of approved courses that are eligible for the driver training reimbursement.
 - b. Each eligible WAV driver will be reimbursed for the cost of the approved course if the driver pays for the course and will receive a stipend for the time it takes to complete the training at the taximeter rate of \$30 per hour.
 - c. Reimbursement for driver training is limited to WAV vehicle owners and drivers with a current lease agreement to operate a WAV.
4. **Reimbursements for Vehicle Acquisition, Maintenance and Equipment.** This reimbursement category is payable to WAV vehicle owners to help offset the higher costs associated with acquiring (through purchase or lease), converting, and maintaining a WAV vehicle, relative to the costs of acquiring and maintaining a non-accessible vehicle.
- a. WAV vehicle owners who meet the requirements of this rule may be eligible for an annual vehicle acquisition, maintenance and equipment reimbursement of up to \$7,435 per calendar year, depending on vehicle age, engine type, and whether the vehicle is all-wheel drive. Original receipts are not required for this reimbursement type, but the vehicle owner must confirm the model year, acquisition date, engine type, and whether the vehicle is all-wheel drive.
 - b. Reimbursements for vehicle acquisition, maintenance and equipment will be paid on a quarterly basis, with payments disbursed following the end of each quarter (i.e., after Mar. 31 for Q1, after Jun. 30 for Q2, after Sep. 30 for Q3, and after Dec. 31 for Q4).
 - c. Effective Jan. 1, 2022, through Dec. 31, 2022, to qualify for a quarterly payment, the WAV vehicle owner must demonstrate that the vehicle provided at least 30 TPWs during that quarter. To qualify for the maximum annual reimbursement amount, the WAV vehicle owner must demonstrate that the vehicle provided at least 120 TPWs during the calendar year. The reimbursement amount remains subject to vehicle age, engine type and whether the vehicle is all-wheel drive.
 - i. Any quarterly payments that were denied because the vehicle provided fewer than 30 TPWs in a given quarter will be paid out to the owner following the end of the fourth quarter if the vehicle

owner demonstrates that the vehicle provided at least 120 TPWs during the course of the calendar year.

- d. Effective Jan. 1, 2023, and thereafter, to qualify for a quarterly payment, the WAV vehicle owner must demonstrate that the vehicle provided at least 60 TPWs during that quarter. To qualify for the maximum annual reimbursement amount, the WAV vehicle owner must demonstrate that the vehicle provided at least 240 TPWs during the calendar year. Contract Trips do not count towards the minimum number of TPWs required for eligibility.
 - i. Any quarterly payments that were denied because the vehicle provided fewer than 60 TPWs in a given quarter will be paid out to the owner following the end of the fourth quarter if the vehicle owner demonstrates that the vehicle provided at least 240 TPWs during the course of the calendar year.
- e. The maximum annual reimbursement amount depends on the age of the vehicle (based on model year), engine type, and whether the vehicle has all-wheel drive as outlined in the following table:

Maximum Annual Reimbursement Amount: Vehicle Acquisition, Maintenance and Equipment			
<u>Vehicle Age*</u>	<u>Gas Engine WAV</u>	<u>Hybrid Engine WAV</u>	<u>All-Wheel Drive WAV**</u>
<u>Up to 6 years</u>	<u>\$6,000</u>	<u>\$7,100</u>	<u>+\$335</u>
<u>7 years</u>	<u>\$4,800</u>	<u>\$4,800</u>	<u>-</u>
<u>8 years</u>	<u>\$3,600</u>	<u>\$3,600</u>	<u>-</u>
<u>9 years</u>	<u>\$2,400</u>	<u>\$2,400</u>	<u>-</u>
<u>10 years</u>	<u>\$1,200</u>	<u>\$1,200</u>	<u>-</u>
<u>11-12 years***</u>	<u>\$1,200</u>	<u>\$1,200</u>	<u>-</u>

*Vehicle age is determined based on the model year. For example, in 2022, a wheelchair accessible 2019 Toyota Sienna would have a vehicle age of three (3) years.
 ** Vehicles with all-wheel drive are eligible to receive an additional \$335 reimbursement each year until the vehicle reaches seven (7) years old. This reimbursement is in addition to the \$6,000 per year reimbursement for a gas-powered WAV or the \$7,100 per year reimbursement for a hybrid WAV.
 *** Due to the COVID-19 pandemic, the City and County temporarily suspended enforcement of the 10-year vehicle age limit for taxis, for-hire vehicles, and TNC vehicles. Enforcement of the vehicle age limit will resume when the taxi or for-hire vehicle medallion, or TNC vehicle endorsement, is renewed in 2023. VAME reimbursements for vehicles aged 11 and 12 years old will be available only while this temporary suspension is in place. As soon as the City and County resume enforcement of vehicle age limits, vehicles over 10 years old will no longer be eligible for VAME reimbursement.

- f. The Director may increase the reimbursement amount for vehicle acquisition, maintenance and equipment to cover additional costs associated with purchasing, equipping and maintaining a WAV with the capability to seat more than one passenger in a wheelchair; with additional features to improve safety; and/or that utilizes a new automotive technology. New automotive technology may include, but is not limited to all-electric WAVs and future innovations in WAV vehicle technology.

- 4.—Reimbursements for Vehicle Acquisition.** This reimbursement category is payable to WAT vehicle owners to help offset the costs associated with acquiring (through purchase or lease) a New WAT vehicle. Eligibility for this reimbursement will end if the vehicle is out of service for more than three (3) consecutive months based on reported Shifts and TPWs. Voluntary Conversions are not eligible for the vehicle acquisition reimbursement.
- a.—Eligible WAT vehicle owners will receive a vehicle acquisition reimbursement of \$6,000 per year until the vehicle turns six (6) years old based on model year. Original receipts are not required for the vehicle acquisition reimbursement, but the owner must confirm the acquisition date through the change of vehicle process.
 - i.—For each WAT vehicle, the total reimbursement for vehicle acquisition and vehicle maintenance and equipment (established in Section III.B.5 of this rule) combined will not exceed \$6,000 per calendar year, except in certain circumstances described in Sections III.B.4.f and/or III.B.4.g of this rule.
 - b.—Reimbursement for vehicle acquisition must meet one (1) of the following three (3) criteria:
 - i.—Be the result of having been awarded a WAT medallion in 2020 or later and having purchased a New WAT vehicle; OR
 - ii.—Be the result of replacing a WAT vehicle that would have exceeded, within the next three calendar years, the City's vehicle age limit of 10 years (SMC 6.310.320.C), or had an odometer reading exceeding 350,000 miles, with a New WAT vehicle; OR
 - iii.—Be the result of having purchased a New WAT vehicle to replace an existing WAT in calendar year 2016, 2017, 2018, or 2019.
 - c.—Conditions for reimbursement as a result of a WAT medallion awarded in 2020 or later:
 - i.—The WAT medallion holder must comply with SMC 6.310.330.K and KCC 6.64.420.F, which require the WAT medallion holder to personally drive the vehicle a minimum of 30 hours per week for at least 40 weeks per year for a period of three years following the date of issuance of the new WAT medallion. This requirement shall not apply to the new owner of a WAT medallion acquired as the result of an involuntary transfer.
 - ii.—After the WAT vehicle has been in operation for a full year and until the vehicle turns six (6) years old, the WAT vehicle owner must demonstrate on an annual basis that the vehicle provided at least 250 TPWs during the previous 365 days. Contract Trips do not count towards the 250 TPWs required for eligibility. This requirement shall not apply effective Mar. 1, 2020 through Dec. 31, 2022, due to the COVID-19 crisis.
 - d.—Conditions for reimbursement as a result of replacing a WAT:
 - i.—Prior to receiving the first monthly installment and annually thereafter, the WAT vehicle owner must demonstrate that the vehicle (either the vehicle being replaced or the replacement vehicle) provided at least 250 TPWs during the previous 365 days.

Contract trips do not count towards the 250 TPWs required for eligibility. This requirement shall not apply effective Mar. 1, 2020 through Dec. 31, 2022, due to the COVID-19 crisis.

- e.—After one (1) year after the effective date of this rule, the Director may adjust the minimum number of TPWs required annually for vehicle acquisition reimbursement eligibility, based on consideration of any factors that may affect the supply, demand, and financial viability of WAV service within Seattle and King County limits.
- f.—For extenuating circumstances outside the three (3) criteria established in Section III.B.4.b of this rule (e.g., premature mechanical breakdown), a WAT vehicle owner may apply to the Director for reimbursement. In determining whether the owner should qualify for the vehicle acquisition reimbursement and in determining the value of the reimbursement that should apply, the Director will consider, among other factors, whether the circumstances are outside of the owner's control, the availability of warranty coverage, and the availability of insurance coverage.
- g.—The Director may increase the reimbursement amount for vehicle acquisition to cover additional costs associated with purchasing a WAV with the capacity to seat more than one passenger in a wheelchair, with additional features to improve safety, and/or that utilizes a new automotive technology. New automotive technology may include, but is not limited to, hybrid and/or electric WAVs and future innovations in WAV vehicle technology.
- h.—Reimbursements for vehicle acquisition will be paid in equal monthly installments until the vehicle turns six (6) years old.
 - i.—For New WATs purchased in calendar year 2020 or later, vehicle operating data and reimbursement requests must be submitted to CPD in a format specified by the Director, no later than 30 days after the month in which the vehicle was first acquired and annually thereafter.
 - ii.—For New WATs purchased prior to calendar year 2020, vehicle operating data and reimbursement requests must be submitted to CPD in a format specified by the Director, by Feb. 28, 2020, and annually thereafter.

5. Reimbursements for Vehicle Maintenance and Equipment. This reimbursement category is payable to WAV vehicle owners to help offset the costs associated with vehicle conversion and maintaining an existing vehicle to be wheelchair accessible.

- a.—WAV vehicle owners who meet the requirements of this rule may be eligible for an annual vehicle maintenance and equipment reimbursement of up to \$6,000 per calendar year, depending on vehicle age.
 - i.—For each WAT vehicle, the total reimbursement for vehicle acquisition (established in Section III.B.4 of this rule) and vehicle maintenance and equipment combined will not exceed \$6,000 per calendar year, except in certain circumstances described in Sections III.B.4.f and/or III.B.4.g of this rule.
- b.—As long as the vehicle remains in compliance with this rule, the Director has discretion to allocate the amount of the maintenance and equipment reimbursement for up to three (3) years after a cost has been incurred so

long as the amount reimbursed does not exceed the maximum reimbursement allowed by this rule for that period.

- c. ~~To be eligible for this reimbursement, the WAV vehicle owner must demonstrate that the vehicle provided at least 250 TPWs during the same calendar year in which the cost was incurred. Contract Trips do not count towards the 250 TPWs required for eligibility.~~
 - i. ~~This requirement shall not apply for vehicle maintenance and equipment costs incurred in calendar year 2020 and 2021, due to the COVID-19 crisis.~~
 - ii. ~~After one (1) year from the effective date of this requirement, the Director may adjust the minimum number of TPWs required for vehicle acquisition reimbursement eligibility, after considering any factors that may affect the supply, demand, and financial viability of WAV service within Seattle and King County limits.~~
- d. ~~The vehicle owner must submit original, itemized receipts for maintenance and equipment costs paid by the vehicle owner. The receipts must clearly show that payment was made for the maintenance performed. For reimbursement requests submitted electronically, digitally scanned copies of original, itemized receipts will be accepted.~~
- e. ~~The maximum annual reimbursement amount depends on the age of the vehicle (based on model year), as outlined in the following table:~~

Vehicle Age*	Maximum Annual Reimbursement Amount
0-6 years	\$6,000
7 years	\$4,800
8 years	\$3,600
9 years	\$2,400
10 years	\$1,200

*Vehicle age is determined based on the model year. For example, a 2017 reimbursement (paid in 2018) for a wheelchair accessible 2010 Toyota Sienna would have a vehicle age of seven (7) years.

- f. ~~Reimbursable maintenance costs must be related to installing, repairing, or replacing vehicle equipment necessary for vehicle accessibility for passengers in wheelchairs. Eligible equipment costs include but are not limited to:~~
 - i. ~~Wheelchair access ramps and lifts~~
 - ii. ~~Wheelchair related safety devices~~
 - iii. ~~Door mechanisms on the vehicle's Wheelchair Accessible entrance~~
 - iv. ~~Axles~~
 - v. ~~Tires (one set per calendar year)~~
 - vi. ~~Brakes and rotors~~
 - vii. ~~Transmissions~~
 - viii. ~~Engines~~
 - ix. ~~Suspension systems~~
 - x. ~~Wheelchair accessibility signage~~
 - xi. ~~Equipment designed to improve vehicle accessibility and passenger convenience (e.g., hearing loops or customer notices in braille)~~
- g. ~~Reimbursements for vehicle maintenance and equipment costs incurred in calendar year 2022 and thereafter will be paid on an annual basis. Vehicle~~

~~operating data, receipts and reimbursement requests must be submitted to CPD in a format specified by the Director, no later than February 28 of the following calendar year in which the vehicle was operated.~~

~~h. Reimbursements for vehicle maintenance and equipment costs incurred in calendar year 2020 and 2021 may be paid quarterly or annually, due to the COVID-19 crisis. To receive a quarterly reimbursement for maintenance and equipment costs incurred in calendar year 2020 or 2021, receipts and reimbursement requests must be submitted to CPD in a format specified by the Director, no later than the last day of the month following the end of the quarter (i.e., April 30th for the first quarter, July 31st for the second quarter, October 31st for the third quarter, and January 31st of the following calendar year for the fourth quarter). Alternatively, to receive an annual reimbursement for maintenance and equipment costs incurred in calendar year 2020 or 2021, receipts and reimbursement requests must be submitted to CPD in a format specified by the Director, no later than Feb. 28 of the following calendar year in which the vehicle was operated.~~

C. Fund Administration.

1. **Reimbursement Transparency.** No later than July 1 after the calendar year in which reimbursements from the Fund were made, the City and County will make publicly available a summary report of the various reimbursements made from each respective Fund during the previous calendar year.
 - a. ~~Following two (2) years of operation from the effective date of this rule, the~~ The Director will periodically review, at a minimum, the Fund's balance, reimbursed costs for purchasing and retrofitting WAVs, the actual or anticipated need for purchasing and retrofitting WAVs in the upcoming year, the total number of TPWs and the average operating hours per accessible vehicle to determine whether to adjust the wheelchair accessible services surcharge and/or Fund disbursement amounts by rule to ensure continued accessible service in Seattle and King County. The Director may consider any other factors that may affect supply, demand and financial viability for wheelchair accessible service within Seattle and King County limits.
2. **Forms.** All forms and submissions described above will be on forms and in a format approved by the Director.
3. **Funding Prioritization.** Should the Fund balance and/or spending authority be less than estimated for any reporting quarter, the City, the County or both will prorate reimbursements based on historical data and the following prioritization:
 - a. **Reimbursement Categories.** (1) reimbursements for TPWs (urban, suburban, rural and additional passenger(s) in wheelchair(s)), WAV fuel costs and off-peak Shifts, (2) additional Shift reimbursements, (3) reimbursements for vehicle acquisition and maintenance and equipment, and (4) reimbursements for driver training.
 - b. **Reimbursement Recipients.** (1) WAT drivers, (2) WAT vehicle owners, (3) drivers of Voluntary Conversions, and (3) Voluntary Conversion vehicle owners.
4. **Minimum Fund Levels.** The Fund must maintain a balance that is at least 110% of the sum of all reimbursements made in the previous calendar year. If this balance is

not maintained, the City, the County or both may prorate all payments to owners and drivers or adjust the wheelchair accessible service surcharge.

D. **Attachments.** The following documents are attached to this rule:

1. Zip code map and table.
2. Reimbursement summary table that summarizes the reimbursement types and eligibility requirements established in this rule.

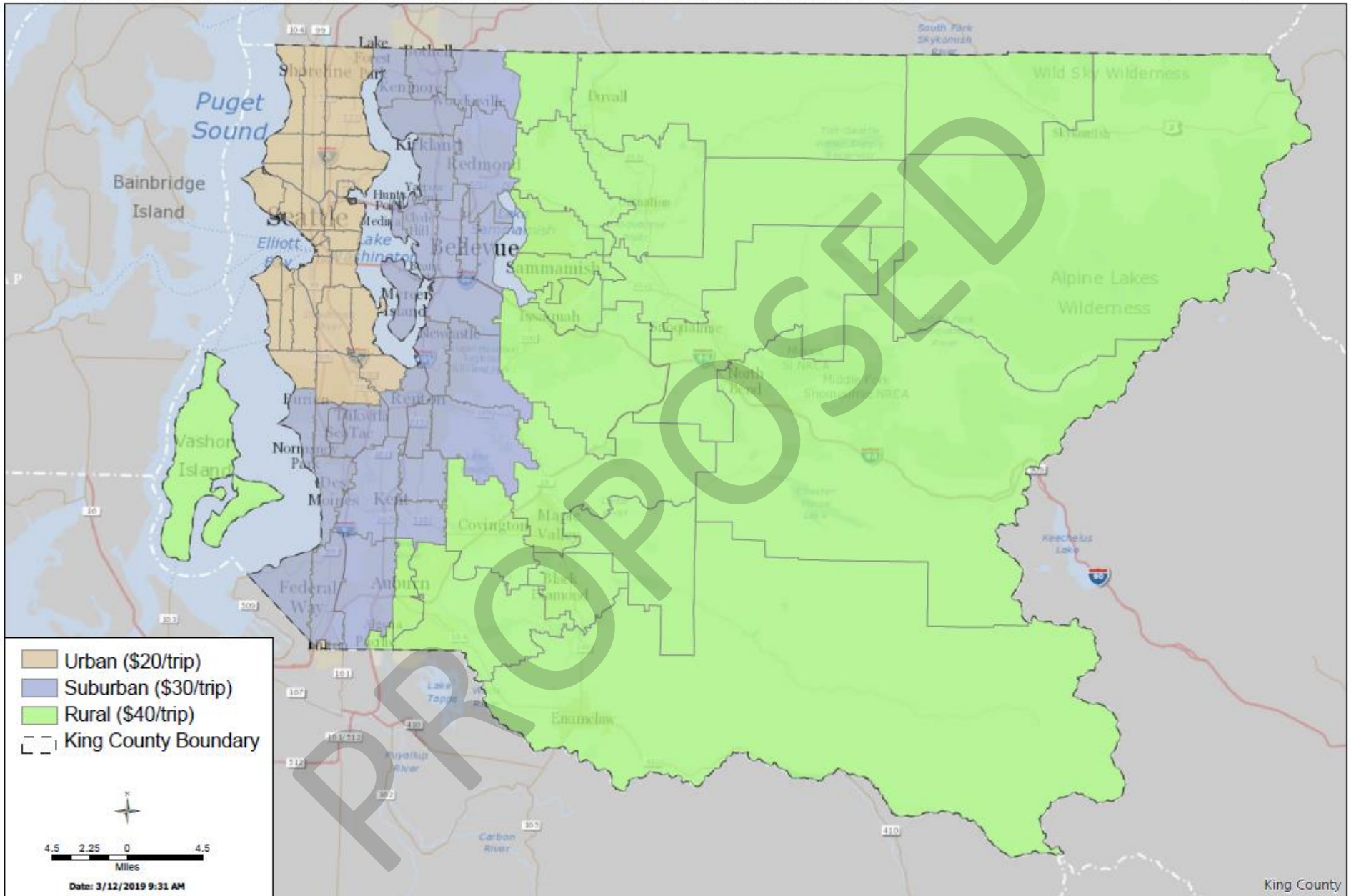
IV. Implementation.

- A. Starting January ~~2021~~2022, reimbursements for TPWs and Shifts will be calculated according to the provisions of this rule.
- B. Starting January ~~2021~~2022, reimbursements for ~~eligible~~ vehicle acquisition, maintenance and ~~/or~~ equipment ~~costs incurred~~ will be calculated according to the provisions of this rule.

V. Rule Maintenance.

- A. At least annually, the City and County will review and analyze available data to evaluate the effectiveness of the Fund reimbursement program at meeting the following program goals:
 1. Ensuring the continued financial viability of WAV service within Seattle and King County limits; and
 2. Improving equity of accessible on-demand transportation services available in Seattle and King County.
- B. The review may include analysis of any and all available data (e.g., the total number of TPWs, the total number of unfulfilled requests for WAV service, average and maximum wait times, etc., as available) and any other factors that may affect the supply, demand, and financial viability of WAV service within Seattle and King County limits, as well as outreach to current and potential WAV customers.
- C. No later than July 1 of the following calendar year in which reimbursements from the Fund were made, the City and County will make publicly available the annual dollar amounts reimbursed to vehicle owners and drivers.

VI. Rule Enforcement. The Director may conduct periodic audits of trip, shift and other data to ensure compliance with this rule, including fraud detection and prevention.



**Driver Reimbursements for
Trips with Passengers in Wheelchairs
by Zip Code Band**

TPW Reimbursements: Urban, Suburban, and Rural Designation by Zip Code

ZIP Code	TPW Designation	ZIP Code	TPW Designation	ZIP Code	TPW Designation
98001	Suburban	98056	Suburban	98125	Urban
98002	Rural	98057	Suburban	98126	Urban
98003	Suburban	98058	Suburban	98127	Urban
98004	Suburban	98059	Suburban	98129	Urban
98005	Suburban	98062	Suburban	98131	Urban
98006	Suburban	98063	Suburban	98133	Urban
98007	Suburban	98064	Suburban	98134	Urban
98008	Suburban	98065	Rural	98136	Urban
98009	Suburban	98070	Rural	98138	Suburban
98010	Rural	98071	Rural	98139	Urban
98011	Suburban	98072	Suburban	98141	Urban
98013	Rural	98073	Suburban	98144	Urban
98014	Rural	98074	Rural	98145	Urban
98015	Suburban	98075	Rural	98146	Urban
98019	Rural	98077	Rural	98148	Suburban
98022	Rural	98083	Suburban	98154	Urban
98023	Suburban	98089	Suburban	98155	Urban
98024	Rural	98092	Rural	98158	Suburban
98025	Rural	98093	Suburban	98160	Urban
98027	Rural	98101	Urban	98161	Urban
98028	Suburban	98102	Urban	98164	Urban
98029	Rural	98103	Urban	98165	Urban
98030	Suburban	98104	Urban	98166	Suburban
98031	Suburban	98105	Urban	98168	Urban
98032	Suburban	98106	Urban	98170	Urban
98033	Suburban	98107	Urban	98174	Urban
98034	Suburban	98108	Urban	98175	Urban
98035	Suburban	98109	Urban	98177	Urban
98038	Rural	98111	Urban	98178	Urban
98039	Suburban	98112	Urban	98181	Urban
98040	Suburban	98113	Urban	98185	Urban
98041	Suburban	98114	Urban	98188	Suburban
98042	Rural	98115	Urban	98190	Urban
98045	Rural	98116	Urban	98191	Urban
98047	Rural	98117	Urban	98194	Urban
98050	Rural	98118	Urban	98195	Urban
98051	Rural	98119	Urban	98198	Suburban
98052	Suburban	98121	Urban	98199	Urban
98053	Rural	98122	Urban	98224	Rural
98055	Suburban	98124	Urban	98288	Rural

NOTES:

"TPW" refers to any trip where a WAV and its driver are dispatched to provide service to one or more passengers in a wheelchair.

This table designates Seattle and King County zip codes as either urban, suburban, or rural for the purposes of TPW reimbursement.

WAS Fund Reimbursement Types and Eligibility Requirements

General Requirements for WAS Fund Reimbursement	
WATs	Prior to placing the WAT in service, the vehicle must be inspected for ADA compliance. Once in service, any WAT driver must have a valid for-hire driver's license or permit with a valid WAT endorsement, and the driver must prioritize service to passengers in wheelchairs before any other passenger.
Voluntary Conversions	Anyone interested in voluntarily converting a vehicle to a WAV is strongly encouraged to consult with the Director prior to acquiring or converting a vehicle. In addition to meeting the same general requirements as WATs, the owner of a Voluntary Conversion must apply to the Director for written approval in order to become eligible for WAS Fund reimbursements.

Dispatched Trips for Passengers using Wheelchairs (TPWs) - Paid at least Monthly			
Rate/Amount		Recipient	Eligibility Requirements*
Urban:	\$20	Driver	Contract Trips are not eligible for reimbursement.
Suburban:	\$30		
Rural:	\$40		
Add'l Passenger(s) in Wheelchair(s):	+\$15		

Shift-Based Reimbursements (Shift defined as 4+ continuous hours) - Paid at least Monthly			
Rate/Amount		Recipient	Eligibility Requirements*
WAV Fuel Costs:	\$15	Driver	A maximum of 3 Shifts per vehicle per day are eligible for reimbursement; all 3 Shifts must be performed by different drivers. Driver must demonstrate the driver performed at least 10 TPWs during the same month in which the shift occurred. Effective Jan. 1, 2023: Driver must demonstrate the driver performed at least 20 TPWs during the same month in which the Shift occurred.
Off-Peak Shift (9:00 p.m. - 5:00 a.m.):	\$45	Driver	A maximum of 2 Shifts per vehicle per day are eligible for reimbursement; both Shifts must be performed by different drivers. Driver must demonstrate the driver performed at least 10 TPWs during the same month in which the shift occurred. Effective Jan. 1, 2023: Driver must demonstrate the driver performed at least 20 TPWs during the same month in which the Shift occurred.
Additional Shifts:	\$30	Vehicle Owner	Only the second and third Shift performed in the vehicle within a 24-hour period are eligible for this reimbursement; the first Shift of the day is not eligible. A maximum of 2 Shifts per vehicle per day are eligible for reimbursement. The first, second and third Shift must all be performed by different drivers. Vehicle owner must demonstrate the vehicle performed at least 20 TPWs during the same month in which the Shift occurred. Effective Jan. 1, 2023: Vehicle owner must demonstrate the vehicle performed at least 20 TPWs during the same month in which the Shift occurred.

Driver Training - Paid Once Per Year after Completing Training			
Rate/Amount		Recipient	Eligibility Requirements
Driver Time:	\$30/hr.	Driver	Eligibility limited to WAV vehicle owners and WAV drivers with current lease agreement to operate a WAV.
Course Fee:	cost		

Vehicle Acquisition, Maintenance, and Equipment (VAME) - Paid Quarterly (figures represent max. <u>annual</u> reimbursement amounts)					
Rate/Amount			Recipient	Eligibility Requirements*	
Maximum Annual Reimbursement Amounts					
Vehicle Age**	Gas Engine	Hybrid Engine	All-Wheel Drive	Vehicle Owner	To be eligible for a quarterly payment, vehicle owner must demonstrate the vehicle performed at least 30 TPWs during that quarter. To qualify for the maximum annual reimbursement amount, vehicle owner must demonstrate that the vehicle provided at least 120 TPWs during the calendar year. Effective Jan. 1, 2023: To be eligible for a quarterly payment, vehicle owner must demonstrate the vehicle performed at least 30 TPWs during that quarter. To qualify for the maximum annual reimbursement amount, vehicle owner must demonstrate that the vehicle provided at least 240 TPWs during the calendar year.
0-6 Years:	\$6,000	\$7,100	+\$335		
7 Years:	\$4,800	\$4,800			
8 Years:	\$3,600	\$3,600			
9 Years:	\$2,400	\$2,400			
10 Years:	\$1,200	\$1,200			

* The Taxi Association, For-Hire Company and/or TNC must submit dispatch records to CPD on behalf of the vehicle owner/driver to demonstrate that TPW and/or Shift occurred, and that minimum operating requirements (i.e. minimum number of TPWs per month/year) have been met.

** Vehicle age is based on model year.