

Seattle Department of Transportation Rules of Conduct Director's Rule 03-2002

A: General Provisions

Seattle Department of Transportation (“SDOT”) is a Department of the City of Seattle. SDOT operates and maintains the roadways, traffic signals and bridge structures of the City. SDOT has jurisdiction over the rights-of-way for all city streets, sidewalks, alleys, and roads. In addition, SDOT owns other properties and has jurisdiction over structures such as the Washington Street Boat Landing.

B: Director's Authority – Rulemaking – Enforcement

The Director shall have the power to issue and enforce rules pertaining to property under the jurisdiction of the SDOT (“SDOT property and rights of way”). The Director may, in accordance with SMC 3.12.020, adopt, amend and rescind rules in order to operate and maintain SDOT property and rights of way.

C: Scope of Rules of Conduct

The rules of conduct herein apply to:

- 1) SDOT property consisting of those unimproved rights-of-way located under the Alaskan Way Viaduct between Battery St. bordering on the north and Royal Brougham bordering on the south,
- 2) the Washington Street Boat Landing on Alaskan Way S. at S. Washington St.; and
- 3) any other SDOT property or rights of way where SDOT has posted signs pertaining to these rules of conduct. The applicable area subject to the rules of conduct under this subsection is any SDOT property or rights of way within a 150-foot radius of where the sign has been posted.

D: Purpose

These rules are intended to help provide for the safe enjoyment of SDOT property and rights of way. Unless posted otherwise, SDOT property and rights of way in the downtown area and neighborhood commercial and residential areas should be open and accessible to enable persons to move about safely and efficiently from place to place. Persons who wish to use SDOT property and rights of way must follow rules of conduct to ensure that those who share the use of such space or who come within a certain distance of such space are not exposed to health and safety risks.

Seattle Police officers routinely receive and respond to citizen complaints regarding the misuse of SDOT property and rights of way, including complaints that persons are defecating in public, camping on public property and that the rights of way are blocked by persons who are sleeping or camping. Persons camping, sleeping, lying, or otherwise remaining on SDOT property and rights of way are often engaged in behavior that creates unsightly, unsanitary, and unsafe conditions for themselves and the surrounding community. Persons using SDOT property and rights of way often leave large amounts of garbage, including needles used to inject illegal drugs, empty alcoholic beverage containers, empty or partially empty food containers, and materials used for personal hygiene purposes. Open fires create hazards for SDOT property and rights of way users, area residents, and businesses. Rodents are attracted to areas in response to discarded food and other materials used to cook, prepare and eat food. Also, persons are often observed engaging in bodily functions, such as urinating, defecating and vomiting on SDOT property and rights of way. Such persons are often combative with Seattle Police officers when asked to move to allow work crews to clean SDOT property and rights of way. Non-city organizations are often prevented from adequately cleaning property adjacent to SDOT property and rights of way by persons sleeping or camping on SDOT property and rights of way who refuse to move their person or belongings.

Unruly or illegal behavior deters and dissuades the public from full utilization of SDOT property and rights of way. Obstacles or hazardous conditions may exist on some SDOT property and rights of way. To ensure the protection of the public and SDOT employees, access to some SDOT property and rights of way should be prohibited, restricted, or certain activities be limited or restricted.

Inappropriate behavior on SDOT property and rights of way diminishes the assets available for the citizens of Seattle to enjoy. These rules of conduct are designed to enable citizens to enjoy and use SDOT property and rights of way in a safe and secure manner, to protect the economic viability of the city, and to allow city and private agencies to adequately clean public spaces and adjacent private property.

All persons using SDOT property and rights of way shall be governed by these rules of conduct and shall comply with written or oral instructions issued by the Director of SDOT (“Director”), SDOT employees, or a Seattle Police officer to enforce these regulations.

Any violation of these rules of conduct may result in revocation of permission to remain on SDOT property and rights of way and potential prosecution for criminal offenses under applicable ordinances or statutes.

E: Rules of Conduct

The rules of conduct for SDOT property and rights of way covered by this rule are as follows:

1. No amplified sound or other noise that unreasonably disturbs another (unless part of an approved activity).
2. No possession or consumption of alcoholic beverages or illegal drugs.
3. No feeding birds, squirrels, rodents and other creatures found in and around SDOT property and rights of way.
4. No camping.
5. No sleeping or lying down.
6. No behavior, including fighting, harassment (“harassment” means both physical and verbal harassment and threatening behavior), and obscene language or gestures, that unreasonably interferes with others’ use of the premises, or any act which could result in risk of harm to persons or property.
7. No leaving personal items unattended.
8. No skateboarding, roller-blading, roller-skating, or use of scooters, or other wheeled devices on area other than established traveled rights-of-way.
9. No blocking walkways, sidewalks, or public rights-of-way.
10. No entering restricted areas or areas where “no trespassing” signs are posted.
11. No sexual misconduct or offensive touching.
12. No possession or use of flammable liquids, explosives, acid, or any other article or material in a manner that is likely to cause harm to persons or property.
13. No possession or use of an illegal weapon, fireworks or firecrackers (or other similar devices).
14. No behavior that unreasonably interferes with others’ ability to use and enjoy SDOT property and rights of way
15. No engaging in any activity prohibited by law.

F: Definitions

Unless clearly inconsistent with the context in which used, the following definitions apply:

1. "Amplified Sound" means any sound from a sound amplifier or other device capable of producing, amplifying, or reproducing sound that can be heard at a distance of seventy-five feet (75’) or more from the source of the sound.

2. "Camping" means to erect a tent or other shelter, which may include a motor vehicle, or to use sleeping equipment, such as sleeping bags, blankets, cardboard, traps or similar coverings, or to create an open flame or fire except at city designated cooking facilities, for living accommodation purposes, such as sleeping and eating.

3. "Director" means the Seattle Department of Transportation Director or his or her designee.

4. "Fighting" means words or conduct between two or more persons that unreasonably interferes with others’ ability to use and enjoy SDOT property and rights of way.

5. “Harassment” means to use fighting words, threats, or obscene language, or to engage in conduct directed at a specific person, which alarms, annoys, disturbs, or puts the person in reasonable apprehension of assault or harm to property.

6. “Offensive Touching” means touching another person without permission from the person who is being touched, and the touching is offensive or unwanted.

7. “Physical Harassment” – see definition of “harassment.”

8. “Sexual Misconduct” means sexual conduct including sexual intercourse which occurs upon any penetration or contact between persons involving the sex organs of one and the mouth or anus of another, or masturbation of one person by another or of one person on himself or herself, or any open exposure of any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals knowing that such conduct is likely to cause reasonable affront or alarm.

9. “Threatening Behavior” – see definition of “harassment.”

10. “Verbal Harassment” – see definition of “harassment.”

11. “Wheeled Devices” means all wheeled devices, including vehicles, such as bicycles, skateboards, roller-skates, inline skates, and scooters, except for:

- a.** wheeled equipment used by disabled individuals to be ambulatory, and
- b.** children’s strollers.

Wheeled devices such as bikes, skateboards, roller-skates, inline skates, scooters, may be used only for transportation on established traveled rights of ways such as bike trails, sidewalks, and street rights-of-way. Licensed motor vehicles may travel on non-restricted portions of the roadway, alleyway and, unless otherwise indicated, other areas commonly open to licensed motorized vehicles.

F. Cross References

Criminal Trespass – SMC 12A.08.040 and RCW 9A.52.080

Sitting on the Sidewalk – SMC 15.48.040

Pedestrian Interference – SMC 12A.12.015

Criminal Trespass under a Viaduct – SMC 11.40.430

Urinating in Public – SMC 12A.10.100

Drinking in Public – SMC 12A.24.025

Drug Traffic Loitering – SMC 12A.20.050

G: Signature

(signature on file)

10-23-2002

Grace Crunican, Director, Seattle Department of Transportation

Date