



PERMANENT ADMINISTRATIVE ORDER

DAS 4-2022

CHAPTER 125
DEPARTMENT OF ADMINISTRATIVE SERVICES

FILED

05/10/2022 10:37 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amended Dept. of Administrative Services Parking Facilities rules.

EFFECTIVE DATE: 05/15/2022

AGENCY APPROVED DATE: 05/10/2022

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RULES:

125-090-0000, 125-090-0003, 125-090-0060, 125-090-0070, 125-090-0080, 125-090-0090, 125-090-0100, 125-090-0110, 125-090-0120, 125-090-0135

AMEND: 125-090-0000

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: Simplified and clarified definitions, added new definitions, updated alpha/numeric ordering.

CHANGES TO RULE:

125-090-0000
Definitions ¶¶

As used in this chapter 125, division 90 ("these rules"), unless the context requires otherwise:¶¶

- (1) "Applicant" means any person applying to DAS for authorization to use a Parking Facility for Motor Vehicle or Bicycle parking or other transportation use identified in these rules or authorization to participate in an Alternative Transportation Modes program.¶¶
- (2) "Alternative Transportation Modes" has the meaning given that term in OAR 125-090-0160(2)(a)(B).¶¶
- (3) "Autocycle" means a Motorcycle that:¶¶
 - (a) Is manufactured to travel on three wheels; and¶¶
 - (b) Has a steering wheel for steering control; and¶¶
 - (c) Has non-straddle seating; and¶¶
 - (d) Is equipped with a manufacturer-installed three-point safety belt or safety harness.¶¶
- (e) DAS considers an Autocycle a "Motor Vehicle" for the purposes of parking.¶¶
- (4) "Bicycle" means a vehicle that:¶¶
 - (a) Is designed to be operated on the ground on wheels; and¶¶
 - (b) Has a seat or saddle for use of the rider; and¶¶
 - (c) Is designed to travel with not more than three wheels in contact with the ground; and¶¶
 - (d) Is propelled by human power; and ¶¶
 - (e) Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter. [1983 c.338 ¶22]¶¶
- (f) DAS may prohibit any Bicycle from certain Bicycle storage areas based on Bicycle size.¶¶
- (5) "Capitol Mall Parking Area" means that area within the City of Salem bounded by Church Street on the west, D

Street on the north, Mill Street on the south and 13th Street on the east.¶

(6) "Carpool" means a registered group of an eligible State Employee and one or more employed others who use a ride-sharing arrangement to commute to work together in a Carpool Area no fewer than 3 days of a 5-day work week. Any other alternative work schedule needs to be approved by DAS. For the purposes of OAR 125-090-0030, a "Vanpool" qualifies as and has the same meaning as "Carpool"¶

(7) "Carpool Area" means any one of the following:¶

(a) "Downtown Eugene Area" means the area within the City of Eugene bounded by Third Street on the north, Fairmount Street on the east, 24th Street on the south and Washington Street on the west.¶

(b) "Downtown Portland Area" means the area within the City of Portland bounded by Hoyt Street on the north, the Willamette River on the east and I-405 on the south and west.¶

(c) "Lloyd District Area" means the area within the City of Portland bounded by Broadway on the north, N.E. 16th on the east, I-84 on the south and Martin Luther King Jr. Blvd. on the west.¶

(d) "Salem Area" means the area within the City of Salem bounded by Market Street on the north, 17th Street on the east, Mission Street on the south and the Willamette River on the west. The Capitol Mall Parking Area is in the Salem Area.¶

(8) "Commercial Parking" means parking made available by a private or public concern for which a use fee is charged.¶

(9) "DAS" means the Department of Administrative Services, Enterprise Asset Management Division, Fleet and Parking Services. ¶

(10) "Director" means the Director of the Oregon Department of Administrative Services.¶

(11) "Electric Vehicle" means a Motor Vehicle where the sole means of propulsion is from an electric motor(s) and the Motor Vehicle requires charging from an external electrical source to replenish the batteries.¶

(12) "Hire Date" means the date of a State Employee's initial hire to State service as recorded in the official personnel file for that employee.¶

(13) "Lease" means to charge or to pay a charge for the use of portions of the facilities and grounds in a Parking Facility for the parking of Motor Vehicles and other transportation uses.¶

(14) "Manager" means the Manager of the Oregon Department of Administrative Services, Fleet and Parking Services program, or the Manager's designee.¶

(15) "Motor Vehicle" - "(Passenger) Motor Vehicle" means any self-propelled vehicle used for transporting persons or commodities on public roads. DAS may prohibit any Motor Vehicle from certain lots based on Motor Vehicle size.¶

(16) "Motorcycle" - For the purposes of these rules, "Motorcycle" means any Motor Vehicle, including mopeds, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and having a mass of 680 kilograms (1500 pounds) or less with manufacturer recommended fluids and nominal fuel capacity included. DAS may prohibit any Motorcycle from certain lots based on Motorcycle size.¶

(17) "~~Official Workstation~~" means the building, office, assembly point or other similar location to which a State Employee is:¶

~~(a) Permanently assigned; or¶~~

~~(b) Scheduled to report for work for thirty or more consecutive business days, if a State Employee is not permanently assigned; or¶~~

~~(c) Scheduled to report to work more than 50% of the assigned work hours at a Primary Workstation for more than two consecutive months.¶~~

~~(18)~~ "Park" and "Parking" means to stop, or to cause or allow to remain stopped, any Motor Vehicle or combination of Motor Vehicles, or any portion thereof, on any street, off-street Parking facility, Parking space, or other public right of way including sidewalks, except such stops as are made in response to legal controls or requirements, conditions created by other traffic, emergencies related to the operation of the Motor Vehicle during the actual period of such emergency, or momentary stops for the expeditious loading or unloading of passengers. Whether capitalized or not in these rules, "park", "parked", or "parking" have the same meaning. ¶

~~(19)~~ "Parking Facility" means any lot, grounds, parking structure, or facility owned, managed, controlled or administered by DAS and used or available for the parking of Motor Vehicles and Bicycles and other transportation uses, including but not limited to those grounds and parking structures and facilities described in ORS 276.594 and those parking structures and facilities at the State office buildings in Eugene and Portland. Parking Facility also includes any additional grounds and parking structures, or facilities designated by State Agencies to be managed, controlled or administered by DAS.¶

~~(20)~~ "Participant" means a registered member of a Carpool or an approved user of a DAS Alternative Transportation Modes program. ¶

~~(21)~~ "Primary Participant" means the State Employee Participant with responsibility for certifying Participant membership in a Carpool and paying the charge for the monthly Permit for the Carpool.¶

(221) "Permit" means an authorization issued in accordance with these rules to Park a Motor Vehicle or a Bicycle in compliance with the conditions specified in the authorization and these rules. It may also mean the hangtag or decal issued to identify a Motor Vehicle exercising the authorization.¶

(23) "~~Primary Workstation~~" means the building or facility the State Employee is assigned to work or, if regularly performing tasks in the field or at multiple locations, the Primary Workstation is where the State Employee is required to initially report for work at the start of their day. As listed in Workday.¶

(242) "Request Date" means the date a customer is on a waitlist in the DAS database.¶

(253) "Schedule of Base Rates and Charges" means the Schedule of Base Rates and Charges in OAR 125-090-0140, which rates and charges are adopted by DAS pursuant to OAR 125-090-0005 and OAR 125-090-0020 for the use of portions of the facilities and grounds in Parking Facilities for the parking of Motor Vehicles and Bicycles and other transportation uses.¶

(264) "Service Vehicle" means a Motor Vehicle used primarily for the transport of goods or services from a business to State Agency premises.¶

(275) "State" means the State of Oregon.¶

(286) "State Agency" means any elected or appointed officer, board, commission, department, institution, branch or other unit of the State government.¶

(297) "State Employee" means any employee, officer, board or commission member, or volunteer worker of the State.¶

(3028) "State Employee with a Disability" means a State Employee who has been issued a disabled person parking Permit by the Oregon Department of Transportation (ODOT) under ORS 811.602.¶

(3129) "Sublet" is when a person who has a reserved space or a Permit allows another person to use their space or Permit and is compensated monetarily or in any other way for said use. ¶

(320) "Tenant" is a State Employee whose ~~Official Workstation or Primary Workst~~Work Location is within a specific State owned or Leased building(s) as determined by DAS. A State Agency, program, division, etc. may also be a Tenant. Assignment of Permits in some Parking Facilities is limited to Tenants only; see section OAR 125-090-0003 Eligibility. ¶

(331) "Vanpool" means a group of people commuting to work collectively in a passenger Motor Vehicle designed to hold six (6) or more people. A Vanpool is defined as 6 or more people that ride together.¶

(342) "Visitor" a person representing themselves, a company, or other entity who uses a DAS Parking Facility to Park a Motor Vehicle. Depending on the specific uses and restrictions on Parking spaces or Parking Facilities, State Employees may be considered Visitors when accessing Parking Facilities that are not at their ~~Official Workstation or Primary Workstation~~.¶

(35) "~~Workday~~" – The State of Oregon official HR system of record ~~Work Location~~.¶

(33) "Workday" - The State of Oregon official HR system of record.¶

(34) "Work Location" means the building, office, assembly point or other similar location that is:¶

(a) Designated in Workday as the State Employee's Central Workplace or Alternate Workplace (as defined per the Statewide Human Resources Working Remotely Policy 50.050.01); or¶

(b) A Temporary Workplace (as defined per the Statewide Human Resources Working Remotely Policy 50.050.01) where the State Employee physically reports for work; or¶

(c) When the State Employee is engaged in Mobile Work (as defined per the Statewide Human Resources Working Remotely Policy 50.050.01), the Work Location is where the State Employee is required to initially report for work at the start of their day.¶

(365) "Writing" means letters, characters and symbols inscribed on paper by hand, print, type or other method of impression, or made in electronic form such as e-mail and facsimile, and intended to represent or convey particular ideas or meanings.

Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 190.240, 276.591 - 276.601, 283.100, 283.110, Governors Executive Order 17-21

Statutes/Other Implemented: ORS 98.805, 190.240, 276.591, 283.110

AMEND: 125-090-0003

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: Updated defined terms.

CHANGES TO RULE:

125-090-0003

Eligibility

(1) Requirements for assignments in Parking Facilities: DAS may limit Parking eligibility to any State Employee based on the State Employee's ~~Official Workst~~Work Location. DAS may limit eligibility at any Parking Facility controlled by DAS to State Employees whose ~~Official Workstation is located~~Work Location is at that building. ¶

(2) State Employees who receive assigned parking at designated Tenant-only DAS owned or managed Parking Facility must be a Tenant of that building. ¶

(3) Any State Employee who has received a parking assignment in a facility for Tenants only and has ~~their Official Workstation~~ moved to a different ~~Work Location~~ is no longer eligible for a parking assignment in that Parking Facility.

Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 190.240, 276.591 - 276.601, 283.100, 283.110

Statutes/Other Implemented: ORS 98.805, 190.240, 283.110, 276.591

AMEND: 125-090-0060

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: The rule # was accidentally amended during the Proposed Notice by mistake. Text returns to original state before the Proposed Notice was filed on 3/18/2022.

CHANGES TO RULE:

125-090-0060

Terms Under Which Parking Facilities Are Leased ¶¶

(1) Parking Facilities are for the Parking of Motor Vehicles and Bicycles and other transportation uses as DAS determines are appropriate. In determining the use of Parking Facilities DAS shall first give priority to the needs of State Agencies and State Employees for the transaction of State business. DAS permits Parking of State Employee, Visitor, service, and State-owned Motor Vehicles at Parking Facilities for transacting business in State offices only, unless expressly otherwise authorized by DAS. DAS may authorize the general public to use those Parking spaces not required by Agency and State Employee Motor Vehicles.¶¶

(2) DAS may determine the classes and availability of Parking spaces in Parking Facilities (reserved, unreserved, metered, or other), and the method for charging users for the Parking uses (monthly, daily, metered or other), and where and if display of a Permit is necessary in order to lawfully exercise Parking authorization. Parking by all persons is subject to availability of Parking spaces and these rules.¶¶

(3) DAS may limit the length and width of vehicles allowed to use specific Parking spaces, in specific Parking Facilities, or specific sections of Parking Facilities.¶¶

(4) The State, DAS, and its employees are not responsible for any damage to or loss of a Motor Vehicle or its contents or injury to any person arising from the use of Parking Facilities.¶¶

(5) DAS conditions all authorization to use Parking Facilities on the requirement that the user comply with these rules and all applicable State and local laws and ordinances.

Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 276.591 - 276.601, 283.100

Statutes/Other Implemented: ORS 98.805, 276.591, 276.594, 276.601

AMEND: 125-090-0070

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: Updated defined terms, updated rule definition for agency monthly parking reimbursements.

CHANGES TO RULE:

125-090-0070

Payment for Monthly Use of Parking Facilities ¶¶

(1) State Employees who have an ~~Official Workstation or Primary Workst~~ Work Location within the Capitol Mall Parking Area, at the Portland State Office Building, or the Eugene State Office Building are required to pay the cost of their own Parking needs. State Agencies may not pay nor reimburse State Employees for the cost of monthly Parking, nor may State Agencies pay for Parking spaces for State Employee monthly Parking. ¶¶

(2) State Employees, who are in the State payroll system, shall pay for monthly use of Parking Facilities by payroll deduction. The deduction must be authorized in Writing by the State Employee on the form prescribed by DAS as part of the Parking application process. This authorization shall remain in force until the Parking Permit is terminated or the State Employee terminates State employment or is otherwise ineligible for the Parking assignment. State Employees shall immediately notify DAS of any work status or ~~w~~Work Location changes that affect Parking eligibility. ¶¶

(3) Monthly payroll deductions are made automatically in arrears and are made from a State Employee's final payroll check for Parking charges incurred for any part of a final month. A State Employee requesting a payroll deduction for Parking charges is solely responsible for the content of the payroll deduction request and for verifying the accuracy of the amount of a payroll deduction. A State Employee shall notify DAS of any disputed payroll deduction for Parking charges not later than 15 days after the date of the deduction. ¶¶

(4) Other eligible Parking Facility users not included in subsections (1) and (2) may pay for monthly Parking charges by check, money order, or debit/credit card for the exact amount due. Payment by this method is due in advance by the first calendar day of each month. If payment is not received by the fifth calendar day of the month, the Permit is void and the Parking assignment is immediately cancelled. Such payment must be made in person or by mail or, online to DAS Fleet and Parking Services. ¶¶

(5) Parking spaces or monthly Permits assigned to a State Employee or other eligible Parking Facility users shall not be Sublet to another person except as set forth in OAR 125-090-0030 or as authorized by DAS. Where and when Subletting is authorized by DAS, the total amount collected amongst the participating members using the Sublet space may not exceed the rate charged for the space by DAS and must be divided as equally as possible to the nearest dollar amongst the participating members.

Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 276.591 - 276.601, 283.100

Statutes/Other Implemented: ORS 98.805, 276.591, 276.594, 276.601

AMEND: 125-090-0080

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: Updated defined terms, updated rule definition for agency purchased parking and reimbursements for Daily parking.

CHANGES TO RULE:

125-090-0080

Payment for Daily Use of Parking Facilities ¶

~~(1) State Agencies may purchase passes, provide meter payment, utilize assigned Agency paid spaces, or reimburse State Employees for~~ Unless otherwise permitted by OAR 125-090 or authorized by DAS Parking Services, State Employees are required to personally pay for daily Parking costs within the Capitol Mall Parking Area, at the Portland State Office Building, or the Eugene State Office Building for incidental, limited daily State business Parking needs. Examples include but are not limited to: ¶

~~(a) A.~~ ¶

~~(2) State Agencies may not purchase passes, directly provide meter payment, or assign Agency paid spaces for State Employee who works in on~~ Parking within the Capitaol Mall building must travel to another for a meeting and use the metered parking at that location to conduct state business. ¶

~~(b) A~~ Parking Area, at the Portland State Office Building, or the Eugene State Office Building. ¶

~~(3) State Employee who works in another city comes to Portland State Office Building for a 3-hour training.~~ ¶

~~(c) A State Employee travels in a state-owned vehicle from a field office to a Capital Mall building and needs to park in the Yellow Lot for an all-day event.~~ ¶

~~(2)s and State Agencies shall follow the Statewide Human Resources Working Remotely Policy 50.050.01 and Statewide Travel Policy 40.10.00 to determine whether daily Parking costs incurred by State Employees are reimbursable expenses. State Agencies may not purchase passes, provide meter payment, assign Agency paid spaces, or shall follow the Statewide Travel Policy 40.10.00 and other pertinent Oregon Accounting Manual requirements to process reimbursements to State Employees for daily Parking within the Capitol Mall Area, at the expenses when appropriate.~~ ¶

~~(4) When using a State-owned Motor Vehicle P~~ for long-term monthly parking needs, for short-term weekly/ monthly task assignments, for intermittent parking needs relating to reporting to a central office for remote working (telework official State business, a State Employee who has a monthly Permit with DAS Parking Services may Park their personal vehicle in the space assigned to the State-owned Motor Vehicle and paid for by a State Agency while traveling) or alternative work schedules. See OAR 125-090-0070 for requirements for longer assignments and permanentn official State business in the State-owned Motor Vehicle assigned to that space. The State Employee's reporting to a Primary or Official Workstation within the areas described. Examples of short-term weekly/ monthly task assignments include but are not limited to: ¶

~~(a) A~~ monthly paid Permit or Parking space may not be used by another person while the State Employee is temporarily reassigned from a building outside the Capital Mall to work on a project at the Human Services Building for one week's vehicle is parked in the State-owned Motor Vehicle Parking space. ¶

~~(b)5) A State Employee accepts a three-month job rotation and relocates from a field office to the Portland State Office Building.~~ ¶

~~(c) To accomplish a remodel, an Agency moves a group of State Employees to empty space in a builds who do not have an assigned monthly paid Parking space or Permit with DAS Parking Services shall pay the appropriate daily parking cost for using in the Capital Mall for six months.~~ ¶

~~(3) Except as DAS authorizes for statewide-elected officials, no~~ State Agency paid Parking space vacated by the State-owned Motor Vehicle. State Agencies shall pay for any ongoing permanent Parking needs for State Employees whose Official or Primary Workstation is located within the Capitol Mall Parking Area, at the Portland State Office Building, or the Eugene State Office Building follow the Statewide Human Resources Working Remotely Policy 50.050.01 and Statewide Travel Policy 40.10.00 for determining whether the daily Parking cost incurred by the State Employee is a reimbursable expense. ¶

~~(4)6) Parking Facility users may obtain single daily Parking Permits or booklets from DAS at the address on the DAS website. Payment may be made in advance, in person, in cash or by check, money order or debit/credit card, or online. The Permit is valid when properly displayed on the date stated on the Permit or when properly completed and displayed if purchased in booklets. A valid daily Permit authorizes the bearer to Park as specified on the back of the Permit, or as otherwise authorized by DAS.~~ ¶

~~(5)7) Users of Parking Facilities equipped with Permit vending machines (pay-and-display) may obtain daily and~~

part-day Parking Permits from the machines using a debit/credit card or proper deposit of coin where available.
The Permit is valid only when properly displayed on the date stated on the Permit.¶
(68) Parking Facility users may pay for daily Parking at metered spaces with the proper deposit of coin, or other payment method where available.
Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 276.591 - 276.601, 283.100
Statutes/Other Implemented: ORS 98.805, 276.591, 276.594, 276.601

AMEND: 125-090-0090

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: Updated defined terms.

CHANGES TO RULE:

125-090-0090

Permit Cancellation; Refunds; Replacement Permits ¶¶

(1) A Permit holder may cancel a monthly Permit at any time for any reason, by providing notice in Writing to DAS and returning any Permit or placard issued by DAS. The notice must specify the DAS assigned Permit number to be cancelled and the effective date of the cancellation. The Permit holder is obligated to pay for the Permit until notice of cancellation is received by DAS. DAS may charge a monthly fee for any unreturned Permits. DAS will charge a fee for lost Permits. Fees not paid within 30 days of cancellation are subject to additional monthly fees. ¶¶

(2) DAS will not prorate or refund payment for any unused time on monthly Permits:¶¶

(3) DAS will not prorate charges or refund payment for any other Permit.¶¶

(4) DAS shall refuse to consider any dispute about Parking charges presented more than 15 days after the payment.¶¶

(5) A customer canceling a Permit to use any of the secured Parking Facilities, rooms or lockers for Bicycle Parking is not entitled to any refund of the current year's annual charge. Any key issued to a Permit holder for Bicycle Parking in a Parking Facility is DAS property. The Permit holder must return the key to DAS when the Permit expires or is cancelled. Upon receipt of the key DAS will refund any key deposit paid. Key deposits may not be refunded if the Bicycle fees have not been paid in previous years.¶¶

(6) A monthly Permit issued to a State Employee is cancelled effective the last day of the month that the Permit holder's employment or other agreement for services to the State ends (or as determined by DAS). State Employees who are retiring and returning to temporary employment at the same ~~w~~Worksite Location within sixty (60) days of their termination date may continue to pay for their Parking space on a month-to-month cash payment basis as a private individual until their temporary assignment begins when they shall resume payment of their space through a payroll deduction provided there is no interruption in payment. ¶¶

(7) Placards and decals issued by DAS are the property of DAS and must be removed from the vehicle and returned to the DAS at the address on the DAS website. ¶¶

(8) DAS may provide replacement Permits to monthly Parking Permit holders at the charge stated on the DAS Fleet & Parking Services website. To replace lost or stolen Permits, Permit holders may be required to sign a statement attesting to the circumstances of the loss or theft. Permit holders are required to contact DAS immediately upon discovery of the loss or theft of a Permit.¶¶

(9) DAS reserves the right to terminate immediately upon notice to the Permit holder, or at such later date as DAS may establish in such notice, a monthly or reserved Permit when it is in the best interest of the State to do so.

Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 276.591 - 276.601, 283.100

Statutes/Other Implemented: ORS 98.805, 276.591, 276.594, 276.601

AMEND: 125-090-0100

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: Updated defined terms, clarified rule for employee ADA parking at Visitor ADA spaces.

CHANGES TO RULE:

125-090-0100

Other Parking and Transportation Uses Provided; Visitor with Disabilities ¶¶

Notwithstanding OAR 125-090-0010 through 125-090-0090, DAS may provide the following types of Parking and other transportation uses in Parking Facilities:¶¶

(1) Reserved or unreserved free Parking designated for temporary use by Visitors with disabilities visiting State offices. Motor Vehicles occupying such spaces shall bear a valid and properly placed Parking decal or placard issued by the Department of Motor Vehicles. Employees with a Disability who need access to a Parking Facility that is not at their ~~Official Workstation or Primary Workst~~Work Location may use the free Visitor ADA parking spaces or, if applicable, must properly display a proper-paid Permit for locations where Visitor ADA parking spaces require payment. State Employees with a Disability may ~~not use fre~~use Parking spaces designated for Visitors with disabilities at the State Employee's ~~Official Workstation or Primary Workstation.~~ Work Location with proper display of a paid daily or half-day permit. Where Visitor ADA Parking is designated as free at the State Employee's Central Workplace (as defined by the Statewide Human Resources Working Remotely Policy 50.50.01), the State Employee shall pay for the appropriate parking cost with proper display of a paid daily or half-day permit. State Agencies shall follow the Statewide Human Resources Working Remotely Policy 50.050.01 and Statewide Travel Policy 40.10.00 for determining whether the daily Parking cost incurred by the State Employee is a reimbursable expense. ¶¶

(2) Designated reserved or unreserved free daily or monthly Parking for those statewide elected officials who Park in Parking Facilities.¶¶

(3) Free Parking spaces designated for the exclusive use of Motor Vehicles during the loading and unloading of passengers or cargo, and reserved for the exclusive use of Service Vehicles.¶¶

(4) Spaces designated by special use agreement for Parking and other Parking Facility uses to benefit the general public, the local community or the State. DAS may make special use Permits available for this purpose. Parking availability is the decision of the Manager or designated staff. For some uses, DAS may require a written agreement with regard to Permit distribution, charges, and related considerations.

Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 276.591 - 276.601, 283.100

Statutes/Other Implemented: ORS 98.805, 276.591, 276.594, 276.601

AMEND: 125-090-0110

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: Updated defined terms, Clarified Priority 9 exemption.

CHANGES TO RULE:

125-090-0110

Priority of Assignment; Reassignment; Waiting Lists ¶¶

(1) DAS finds that there is more demand for Motor Vehicle Parking than spaces available in Parking Facilities. DAS shall reasonably attempt to observe the ascending order of Applicant priority in Section (2) for assigning vacant monthly Motor Vehicle Parking spaces in Parking Facilities. The Manager may, in the Manager's sole discretion determine whether or not a Parking space is vacant or available for assignment under this rule.¶¶

(2) The priority of assignment, in order of highest to lowest priority, is as follows;¶¶

(a) Priority 10: State Employees with a Disability (see OAR 125-090-0120). P10 designation are not transferable to non-ADA placard holders for the purposes of Carpooling.¶¶

(b) Priority 9: State-owned Motor Vehicle that receives daily or frequent use; or is regularly used by volunteers or field office personnel. ~~Except as authorized by OAR 125-080-0080 or otherwise authorized by DAS, Agencies may not allow State Employees to use a State Agency paid space when the State Motor Vehicle is removed from the State Agency paid space if the State Employee's Official Workstation or Primary Workstation is served by the same Parking Facility where the State Motor Vehicle is Parked.~~¶¶

(c) Priority 8: State Employees whose State Agency certifies that the State Employee must have their personal Motor Vehicle at the work site (only at the request of the Director of the State Agency and with the approval of the Manager). The Director's request must clearly demonstrate why having the State Employee's personal Motor Vehicle Parked at or in near proximity to the State Employee's ~~Official or Primary Workst~~Work Location is vital to the successful completion of their State duties and the mission of the State Agency. P8 designation are not transferable with State Agency changes and are subject to reevaluation. ¶¶

(d) Priority 7: A State Employee who:¶¶

(A) Requests to return to a Parking assignment after leaving the assignment to use Alternative Transportation Modes for a maximum of a three-month test period. After three months absence, priority "7" status is removed;¶¶

(B) Is currently Parking in a Parking Facility and has moved ~~from an Official Workstation or Primary Workstation at one location to an Official Workstation or Primary Workstation at another~~ to another Work Location within the Capitol Mall Parking Area, the Eugene State Office Building or the Portland State Office Building;¶¶

(C) Is currently Parking in a Parking Facility and has transferred from one State Agency to another within the Capitol Mall Parking Area, the Eugene State Office Building or the Portland State Office Building;¶¶

(D) Returns from leave from DAS authorized Parking within less than one year (or within the period of active service plus 30 days if absent from State employment more than a year by reasons of service in the uniformed services as defined in the USERRA (38 U.S.C. 4301-4333). For purposes of this rule, a State Employee on approved leave without pay from State employment for one or more pay periods is on leave from DAS authorized Parking until returned to the State payroll system;¶¶

(E) Returns from a job rotation or temporary assignment of less than one year from outside the Capitol Mall Parking Area, the Eugene State Office Building or the Portland State Office Building¶¶

(F) Is currently Parking in a Parking Facility and asks for reassignment to a reserved space within the same Parking Facility. This does not apply to Motorcycle Permits; a State Employee may not obtain a Permit to Park a Motorcycle and then request a Priority 7 to Park a car, truck, SUV, etc. in a standard Parking space.¶¶

(G) Is returning to a seasonal work assignment and had a DAS space during their seasonal assignment the previous year. This priority is good only for consecutive years of seasonal assignments; skipping a year means the individual must begin the wait list process again. ¶¶

(e) Priority 6: Carpool vehicles - Primary Participant with three or more other Participants. ¶¶

(f) Priority 5: Carpool vehicles - Primary Participant with two other Participants. ¶¶

(g) Priority 4: A State Employee with an Electric Vehicle and the Electric Vehicle requires access to an outlet or other vehicle charging infrastructure to replenish the batteries of the Electric Vehicle while at the Parking Facility. State Employees shall be subject to additional fees for accessing electricity and Electric Vehicle charging infrastructure. State Employees who received their assignment based on an Electric Vehicle status must maintain the additional Electric Vehicle charge for electricity; must drive an Electric Vehicle at least 75% of the State Employee's work week; and actively use the EV charger at least 50% of the time, or the space will be cancelled, and the State Employee placed back on the wait list under the appropriate priority status;¶¶

(h) Priority 3: Carpool vehicles - Primary Participant with one other Participant. ¶¶

(i) Priority 2: Single driver - State Employee ¶

(j) Priority 1: A contractor engaged by a State Agency to perform work on the State Agency's behalf for a period of one month or more. ¶

(3) DAS may maintain a waiting list for persons interested in Parking at a Parking Facility and at a particular reserved space within a Parking Facility. When making a Parking assignment, DAS will consider the priority level of the Applicant and Applicant's position on the waiting list based on the date of the request. DAS may limit the number of waiting list positions that one person may hold simultaneously. ¶

(4) DAS has the exclusive authority to assign and reassign use of space in Parking Facilities. DAS reserves the right to limit the use of a Parking Facility at or near a State Agency office to the Parking needs of the nearby State Agency and the State Agency's employees. ¶

(5) The Manager may temporarily or permanently reassign reserved spaces, at any time upon notice to Permit holder, when the Manager determines reassignment is in the best interest of the State. Reassignment may include a different space or a different Parking Facility. ¶

(6) The Manager may temporarily or permanently reassign reserved spaces or designate special Parking spaces through hooding of meters or other means to implement safe Parking for State Employees who are endangered through domestic violence or other credible threats. Requests for this accommodation must be made through and verified as a credible threat by the human resources or personnel department of the State Agency where the State Employee resides.

Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 276.591 - 276.601, 283.100

Statutes/Other Implemented: ORS 98.805, 276.591, 276.594, 276.601

AMEND: 125-090-0120

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: Updated defined terms, added rule for angled head-in parking.

CHANGES TO RULE:

125-090-0120

General Rules; Parking for State Employees with Disabilities and Other Particular Rules ¶

(1) Persons operating vehicles in Parking Facilities are subject to the following rules. ¶

~~(2) Users of all Parking Facilities shall comply with the following general rules:¶~~

(a) A person may not stop or Park a Motor Vehicle in a Parking Facility at a time or in an area not specifically designated for Parking Motor Vehicles. Unattended Motor Vehicles are permitted only in designated Parking spaces. Idling is prohibited in DAS Parking Facilities.¶

(b) The basic speed rule (ORS 811.100) applies to use of all Motor Vehicles in all Parking Facilities.¶

(c) Pedestrian traffic has the right of way over vehicular traffic in any place in the Parking Facilities.¶

(d) The maximum speed is ten miles per hour unless otherwise posted at a lower speed.¶

(e) Users shall obey all directional arrows, signs, traffic control devices and other posted instructions.¶

(f) Motor Vehicle maintenance and repair is prohibited in Parking Facilities without the prior approval of DAS.¶

(g) A person/agency shall not use Parking Facility property for the purpose of storing an inoperable or operable Motor Vehicle or other personal property, including Bicycles or tires without written permission from DAS. Motor Vehicles that have broken down in a Parking Facility and that cannot be removed must be reported immediately to DAS. Inoperable Motor Vehicles must be removed from the Parking Facility within 24 hours or will be subject to removal at the owner's expense. Bicycles stored in violation of this section are subject to the process in OAR 125-090-0150. Other personal property stored or abandoned at a Parking Facility longer than five consecutive days will be considered unclaimed property under State law and subject to removal at the owner's expense.¶

(h) Persons may park in designated loading zones only while loading and unloading people and goods, not to exceed 15 minutes unless otherwise posted.¶

(i) Use of skateboards, roller blades, roller skates, in-line skates or similar devices is prohibited in Parking Facilities. DAS may allow an exception to this rule for State-sponsored and supervised classes, programs and events.¶

(j) Each Parking Facility user is individually responsible to secure that user's Motor Vehicle and its contents from theft.¶

(k) Except as authorized in advance by DAS, a person may not use Parking Facilities premises, including utility connections, for any purpose other than Motor Vehicle Parking.¶

(l) Any person who trespasses in a Parking Facility may be subject to arrest for criminal trespass under ORS 164.243 or ORS 164.245 or applicable local law or ordinance.¶

(m) A person issued a Permit shall display it according to the instructions DAS provides. ¶

(n) A person shall not display a forged or altered Permit, or display a Permit reported lost or stolen.¶

(o) Except as DAS authorizes for statewide elected officials and for persons engaged in official DAS business and as authorized under OAR 125-090-0160(2), no State Employee may Park a Motor Vehicle for free at any Parking Facility. DAS may require application for a special Permit that must be displayed properly for statewide elected officials to Park for free at the metered spaces within the Capitol Mall Parking Area.¶

(p) State Employees may use metered Visitor spaces at the employee's ~~Official Workstation or Primary Workst~~Work Location with proper payment. DAS may issue a special monthly Permit to State Employees for this purpose. ¶

(q) DAS may set motor Vehicle size restrictions. Motor Vehicles and any attached equipment must fit into the Parking space, leave sufficient room for adjacent Parkers to easily access their Motor Vehicles, and may not impede Motor Vehicle and pedestrian circulation within the Parking Facility. DAS reserves the right to decline issue of a Permit, rescind a Permit, or move any Motor Vehicle deemed to be unsafe (including towing) that exceeds the size of the Parking space, or exceeds the ability of the Parking Facility to safely house the Motor Vehicle.¶

(r) DAS limits to six, in any ninety-day period, the number of times that a State Employee assigned a Permit may call in to be authorized by Motor Vehicle license to Park without displaying the Permit. An authorization by DAS to Park without displaying a Permit is invalid if the numbered Permit for the lot is found displayed at the same time in another Motor Vehicle in any DAS Parking Facility. The Motor Vehicle that is NOT displaying the Permit will be subject to citation.¶

~~(3s)~~ Vehicles must be Parked head-in at all angled Parking spaces.¶

(2) Users of the following types of Parking Facilities and Permits shall comply with these additional rules:¶

(a) Parking for State Employees with a Disability.¶

(A) On request from a State Employee with a Disability otherwise eligible to Park in a Parking Facility, DAS will provide a Parking space in the Parking Facility as close as reasonably possible to the building entrance of the State Employee's ~~Official Workst~~Work Location. DAS may temporarily assign a State Employee with a Disability to a Visitors' disabled accessible space or metered space at the monthly charge appropriate for the space assigned.¶

(B) In order to receive a State Employee with a Disability Parking assignment under this rule or priority assignment under OAR 125-090-0110(2)(a), a State Employee must hold a valid disabled person Parking Permit issued by ODOT under ORS 811.602 or issued by another State or provincial government. ¶

(C) ~~A~~Without properly displaying a daily paid Permit, a State Employee with a Disability is prohibited from using a disabled Parking placard or decal at a State ADA Visitor space at the State Employee's ~~Official Workst~~Work Location and any adjacent Parking Facilities for the sole purpose of accessing the State Employee's ~~Official Workst~~Work Location. State Employees may use Visitor ADA spaces at other State Parking Facilities for the sole purpose of conducting State business. Refer to OAR 125-090-0100 (1).¶

(b) Reserved Parking Space.¶

(A) A reserved space in a Parking Facility is reserved to the Permit holder for Parking only on weekdays, unless otherwise posted or designated by DAS. ¶

(B) Except as authorized by DAS, Parking spaces or monthly Permits assigned to a State Employee or other eligible Parking Facility users shall not be Sublet to another person unless for the purpose of Carpooling/Van Pooling. Refer to OAR 125-090-0070(5) and OAR 125-090-0030.¶

(C) Only a Permit holder or the holder's designee named in Writing may contact DAS to report an unauthorized Motor Vehicle in the Permit holder's reserved space. When a reserved space is occupied by an unauthorized motor Vehicle, DAS will authorize the displaced Motor Vehicle to Park at a nearby State Parking Facility and will cite the unauthorized Motor Vehicle.¶

(c) Unreserved Unmetered Parking Facilities.¶

(A) All persons Parking in unreserved unmetered spaces in Parking Facilities must display a valid Permit for the Parking Facility where the Motor Vehicle is Parked. Permits for unreserved spaces in Parking Facilities are valid only when displayed as instructed by DAS and clearly visible at all times. Parking Permits assigned to a State Employee or other eligible Parking Facility users shall not be Sublet to another person unless for the purpose of Carpooling/Van Pooling or as authorized by DAS. SeeRefer to OAR 125-090-0070(5) and OAR 125-090-0030.¶

(B) A holder of a Permit to an unreserved Parking Facility that is full may Park in an available space in another unreserved DAS Parking Facility with a call or voice mail message to DAS. The call or message must include the Permit holder's name, Permit number (if applicable), Motor Vehicle license number, time of the call or message, which Parking Facility is full, and where the Motor Vehicle is Parked.¶

(d) Metered Spaces.¶

(A) Except as otherwise authorized by DAS, a person may Park at a Parking meter only with proper payment.¶

(B) Meters are enforced at the times and days posted on the individual meters.¶

(C) Vehicles must be Parked head-in at all metered, angled Parking spaces. ¶

(e) Motorcycle Permits allow Motorcycles, power scooters and mopeds to be Parked at any time in areas designated as "Motorcycle Parking" at State Parking Facilities. Motorcycle, power scooter, and moped Parking is prohibited in spaces designated for Bicycle Parking. Motor Vehicles and Autocycles are prohibited from Parking in Motorcycle designated spaces. Motorcycle Permit holders may not participate in Carpools. ¶

(f) A person may have only one Motorcycle Permit issued to them at a time. Persons who have a reserved space or Permit for a Motor Vehicle and use a Motorcycle occasionally or seasonally may Park their Motorcycle in the lot or space they normally use for their Motor Vehicle. Under no circumstances may a person with a Permit for a Motor Vehicle and a Motorcycle use both at the same time nor may they allow another person to use one Permit while they use the other one at the same time. ¶

(g) Service Vehicles identified with the name of the company on the vehicle may Park in designated service spaces for the posted time limits while providing services to State Agencies. Unmarked Service Vehicles must display a valid DAS Service Vehicle Permit to Park at a designated service space. No Service Vehicle, marked or unmarked, is permitted to Park for free at any other space or metered area except as directed and approved by DAS¶

(h) Visitors may Park at any metered space with proper payment. Visitor Parking spaces are provided in some Parking Facilities and in posted spaces. Visitor Permit holders shall not Park in reserved or other use-limited spaces, loading zones, fire lanes, or no-Parking zones.¶

(i) Bicycles.¶

(A) A person shall not park a Bicycle in any Parking Facility except in those areas specifically designated by the presence of racks or other devices for the parking of Bicycles or by the posting of signs designating the space or area as a "Bicycle Parking area."¶

(B) Bicyclists shall secure their Bicycles from theft through the use of locks or chain devices.¶

(C) ~~Where required,~~ Bicycles may be Parked with a paid Permit in secure ~~Parking Facilities and~~ Bicycle rooms and lockers. Bicycles may be Parked without displaying a paid Permit at racks located in the public Bicycle Parking areas in Parking Facilities.¶

(D) Bicycles parked in any area designated for Motor Vehicle Parking, or chained to signposts, stairwells, trees or other structures not designated for Bicycle Parking are subject to being removed at the owner's expense, without notice and impounded according to OAR 125-090-0150.¶

(43) A Permit holder is solely responsible for immediately notifying DAS of any change in address, e-mail, place of employment, Motor Vehicle license number, or termination of State employment.

Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 276.591 - 276.601, 283.100

Statutes/Other Implemented: ORS 98.805, 276.591, 276.594, 276.601

AMEND: 125-090-0135

NOTICE FILED DATE: 03/18/2022

RULE SUMMARY: Updated defined terms. Added rules for refusing to authorize parking.

CHANGES TO RULE:

125-090-0135

Rescission, Refusal to Issue or Renew; Appeal Process ¶

(1) DAS may rescind an existing Parking assignment, refuse to authorize Parking to, and may refuse to renew the authorization of, any person who:¶

(a) Made a material misrepresentation or false statement in the application or certification for a Permit,¶

(b) Made a material misrepresentation or false statement in the investigation of any Parking matter,¶

(c) Failed to comply with a condition of a Permit,¶

(d) Displayed a forged or altered Permit or a Permit reported lost or stolen,¶

(e) Failed to pay the appropriate charges for Parking Facilities use,¶

(f) Caused damage to Parking Facilities property,¶

(g) Failed to comply with the recertification requirements of a Permit.¶

(h) Violated the rules in this OAR, any policies, or procedures as published by DAS on the use of the Parking Facilities.¶

(i) Through their communications or other actions have demonstrated that the State's best interests, as determined by DAS, are to deny them access to DAS controlled Parking Facilities.¶

(j) Failed to supply valid written or certifiable electronic signatures on DAS required documents or provided forged signatures on DAS required documents. ¶

(2) DAS may refuse to issue or to renew authorization for any of the reasons stated in this rule only after giving notice and an opportunity for an appeal. DAS shall send a notice to Applicant by e-mail of DAS's intent to refuse to issue or renew authorization to Park. DAS shall send the notice to the e-mail addresses in the refused application or last address on file with DAS.¶

(3) The Manager shall provide an opportunity for an appeal of disputed rescissions, refusals to issue or renew if requested in Writing by the appealing party. The appeal must be received by DAS within 14 days of the notice. The Manager shall review the appeal without formal rules of evidence and shall provide an opportunity for presentation of circumstances surrounding the disputed decision. The Manager shall issue a decision in Writing. The Manager is not required to make findings of fact and conclusions of law. The Manager's decision is final.¶

(4) When DAS has refused to renew a parking Permit, a Permit holder shall immediately return all Permits and placards to DAS.¶

(5) A person whose authorization to use Parking Facilities is rescinded, refused or not renewed under this section is not eligible to apply for use of Parking Facilities for a period to be determined by Manager based on the facts of the circumstances and whether the person has previously been the subject of rescissions, refusal or non-renewal by DAS.¶

(6) Sections (2) and (3) above do not apply for situations where DAS must take immediate action to rescind Parking, refuse Parking, or deny access to an individual to safeguard the Parking Facilities, Parking Facility users, and the public. DAS may engage with State and local law enforcement as necessary for this purpose. The Manager shall document the circumstances, the action taken, and coordinate with Agency human resources offices and law enforcement as appropriate.

Statutory/Other Authority: ORS 98.805 - 98.818, 184.340, 276.591 - 276.601, 283.100

Statutes/Other Implemented: ORS 98.805, 184.340, 276.594