

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF PROPOSED NEW REGULATION

DATE: April 23, 2007

REGULATION CHAPTER TITLE: Student Affairs

REGULATION TITLE AND NUMBER: Traffic and Parking (2.002)

SUMMARY OF REGULATION: The new Regulation was previously Regulation 3.004 and has been transferred to reflect that parking and traffic is now under the purview of the Division of Student Affairs. The Regulation provides requirements for registering and operating motor vehicles and other conveyances of transportation on the campus of Florida A & M University and incorporates the *University Parking and Traffic Handbook*, which sets forth the fees charged for registering a vehicle and violating the requirements of the Regulation and the schedule of the student transportation access fee.

AUTHORITY FOR REGULATION: Article IX, Florida Constitution, Board of Governors Regulation Development Procedure dated July 21, 2005, and Section 1009.24, Florida Statutes.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. Vincent G. June, Vice President for Student Affairs.

PROCEDURE FOR COMMENTS: Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION IS: Vincent June, Vice President for Student Affairs, 308 Foote-Hilyer Administration Center, Tallahassee, Florida 32307, (850) 599-3183 (phone), (850) 561-2674 (fax), vincent.june@famu.edu.

FULL TEXT OF THE PROPOSED NEW REGULATION: The full text of the proposed new regulation follows:

Regulation of Florida A&M University



2.002 Traffic and Parking.

(1) VEHICLE REGISTRATION ON CAMPUS.

(a) Any person possessing an operator's license valid in the State of Florida is permitted to operate a properly registered motor vehicle on the campus of Florida A&M University.

(b) A registration fee will be charged for each vehicle registered. The amount of the fee will be based on the type of decal or permit issued pursuant to the *University Parking and Traffic Handbook*, which is incorporated herein by reference.

(c) Any individual who has any unpaid FAMU Traffic and Parking citations will not be permitted to register his or her vehicle or receive a parking decal until all outstanding fines are paid. However, an individual whose only citation(s) is pending appeal and where the appeal(s) is timely will be permitted to purchase a parking permit during the appeal process.

(d) Fees.

1. Student Transportation Access Fee.

a. All students are required to pay a Transportation Access fee at the time of registration to be paid along with their tuition. THIS FEE IS NON-REFUNDABLE. A parking decal will be issued to each registered student; however, students classified as "freshmen" shall not be permitted to possess or register a vehicle on campus.

b. All student transportation access fees must be recommended by a committee, one-half of whom are student appointed by the Student Government Association President and the remainder of the committee shall be appointed by the University President or designee. The chairperson, appointed jointly by the Student Government Association President and the University President, shall only vote in the case of a tie. The recommendations shall take effect only after approval by the University President, after consultation with the Student Government Association President, with final approval by the University Board of Trustees. The new fee schedule shall be published in the *University Parking and Traffic Handbook* at least one semester prior to implementation of the fees.

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c. All employees, except student OPS employees, are authorized to elect to pay for decals via payroll deduction. Full time OPS employees are considered staff for purposes of this regulation, even if they are registered for classes. Part-time (less than 40 hours per week) OPS employees who are registered for classes are considered students for purposes of this regulation.

d. Volunteers – When requested by a department within the University, an invited guest lecturer or any person who teaches without remuneration or any volunteer who provides services to the University will be issued appropriate parking decals or permits free of charge as long as appropriate documentation is provided to the Department of Public Safety (FAMU DPS), Parking Division.

e. Vendors, Service Persons – A vendor or any other service person who frequently parks on campus must purchase the appropriate Vendors parking permit.

(2) DECALS AND PARKING PERMITS.

(a) The decal must be affixed inside the vehicle, on the driver's side front window. The entire decal must be displayed unaltered. The decal must be visible at all times while the registered vehicle is parked on campus.

(b) Hangtags must be displayed from the rearview mirror bracket and be plainly visible to the enforcement personnel while vehicle is parked. Note: Tinted windows, the use of sunscreens or a car cover does not preclude the necessity of the hangtag being plainly visible. Improper display will result in an *Improper Display Violation*.

(c) Except for Reserved parking decals, the issuance of a decal does not guarantee a parking space.

(d) Each individual to whom a decal is issued is responsible for any infraction caused by or citation issued to any vehicle bearing that individual's decal.

(e) Lost, misplaced, defaced or stolen decals must be reported immediately to the Department of Public Safety and replaced. The fee for a replacement decal is \$15.00. However, a free replacement decal will be issued where proof of purchase of the original decal is verified along with the required police report.

(f) Disabled Accessible Parking.

1. Any student or employee with a valid decal, who properly displays a valid state disabled parking permit, placard or license plate that is registered to the student or employee using the vehicle, and having received proper authorization thru the University's Office of Equal

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Opportunity Programs, may park in any disabled accessible parking space. Such individuals may park in any parking space in any lot except in reserved spaces, or service vehicle spaces. Such individuals may also park free in metered slots.

2. The owner or operator of any vehicle found displaying a disabled parking permit, placard or license plate not registered to the individual using the vehicle and parked in a disabled accessible parking space will be issued a \$250.00 fine and the vehicle will be towed and stored at the owner's expense.

(3) TEMPORARY PARKING PERMITS.

(a) Temporary parking permits are issued by the Parking Division of the Department of Public Safety.

(b) Temporary parking permits are available during regular business hours from the Parking Division and are valid only for the dates indicated on the front of the permit.

(c) Upon request, a decal holder whose vehicle is being repaired or was stolen will be issued a temporary parking permit without a fee for a maximum of 28 consecutive days.

(d) Purchase of Temporary Permits. Temporary permits can be purchased from the Parking Division at the rate of \$3.00 per day. No temporary permit will be issued for more than twenty-eight (28) consecutive days.

(e) Construction Contractors. Construction contractors, working on University construction projects, which require a Temporary Parking Permit for more than twenty-eight (28) days, will only be issued a permit in excess of twenty-eight (28) days if the need has been verified by University Facilities Planning Department.

(f) Visitors - All visitors to the campus must obtain Visitor parking permits to park anywhere on campus or park at metered spaces.

(4) GARAGE PARKING.

(a) *Students and employees with appropriate decals are permitted to park in the parking garage.*

(b) Event visitors may park in the garage at the rates established for the event.

(5) PARKING ON CAMPUS.

(a) The registered owner or operator of a vehicle assumes all liability for parking on University property.

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(b) Parking at the University is regulated and controlled by designated decals and permits. Each vehicle owned or operated by a student or employee must have a valid decal or parking permit to park anywhere on campus other than at a meter.

(c) All vehicles without valid decals or parking permits must park at parking meters and pay the appropriate fees.

(d) Vehicles with valid parking decals may park at meters without paying during the hours of 7:00 p.m. until 7:00 a.m. weekdays and any time on weekends, unless posted otherwise.

(e) Overnight parking on campus for the purpose of sleeping in a vehicle or using it as living accommodations is prohibited.

(f) Repairing any vehicle on campus is prohibited, except in an emergency. The emergency must be reported to the Department of Public Safety prior to the repair being made.

(g) Parking of a trailer, boat, camper, large van, airplane or commercial truck (except construction vehicles with FAMU permits) is prohibited.

(h) Vehicles may not be abandoned on campus. The registered owner of an abandoned vehicle will be notified by mail that his or her vehicle has been deemed abandoned by the Department of Public Safety. An abandoned vehicle not removed within ten (10) days of the date of the notification shall be towed and stored at the owner's expense.

(i) Any parked vehicle creating a hazard, a nuisance or an impediment to traffic flow shall be subject to a fine and will be towed and stored at the owner's expense.

(j) Parking Fines. Parking violators will be issued a citation and subject to a fine as prescribed in the University Parking and Traffic Handbook.

2. Any student with unpaid parking citation(s) that are not under appeal will be subject to having his/her vehicle immobilized and/or towed and will not be permitted to register for classes nor receive transcripts, grades or a diploma until all fines and fees are paid in full.

3. Any employee with unpaid parking citation(s) that are not under appeal will be subject to having their vehicle immobilized and/or towed and will not be permitted to register or drive a vehicle on campus until all fines are paid in full or arrangements are made with the Department of Public Safety, Parking Division for payroll deduction.

(6) OPERATING VEHICLES ON CAMPUS.

(a) All Florida traffic laws are enforceable on campus.

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(b) Traffic rules, regulations and directive signs governing the use of motor vehicles are in effect 24 hours a day, all year long.

(c) All students and employees of the University as well as other motorists on University property are expected to adhere to the established traffic regulations as contained in this Regulation and the *University Parking and Traffic Handbook*. A copy of the Handbook is distributed throughout the campus and is available in the Department of Public Safety, Parking Division.

(d) The maximum speed limit on any street on all FAU campuses is twenty-five (25) miles per hour, unless otherwise posted.

(e) The maximum speed limit in parking lots is ten (10) miles per hour, unless otherwise posted.

(f) Pedestrians always have the right-of-way.

(g) Motorcycles/Scooters

1. Drivers of scooters, motorcycles, bicycles and mopeds are responsible for observing the same traffic regulations as those governing vehicles.

2. Drivers may not drive, ride or park scooters, mopeds, or motorcycles on grass, sidewalks or in the confines of a building.

3. It is unlawful for more than one person to ride on a motorcycle/scooter at the same time, unless the vehicle is designed for and equipped with a seat for each person.

(7) TOWING AND IMOBILIZATION. Vehicles are subject to being immobilized by a mechanical boot or towed at the operator's expense under any of the following conditions:

(a) Unauthorized parking in reserved or disabled spaces.

(b) Parking out of assigned area (e.g., staff parking in student lot or vice versa) or without a valid permit.

(c) Abandoning a vehicle (disabled or otherwise) for thirty (30) consecutive days or more.

(d) Parking in such a way as to interfere with University operational activities.

(e) Failure to pay past due tickets and fines that are not in the process of appeal. If a vehicle accumulates three (3) unpaid parking violations and/or has an outstanding fine(s) of \$100 or more, upon the occurrence of a subsequent offense, the vehicle will be immobilized or towed and stored at the owner's expense.

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(f) All towing and storage authorized under this regulation will be done at the registered owner or operator's expense. Charges for towing or storage may vary according to type of vehicle, type of equipment needed and costs charged by towing or storage companies.

(g) Immobilized, towed or stored vehicles will be released when all unpaid fines and immobilization fees as prescribed in the University Parking and Traffic Handbook, have been paid to the University.

(h) Vehicles that have been immobilized by a mechanical boot are towed at the owner's expense. The owner is required to pay for the outstanding citations, and the immobilization fee and applicable towing charges prior to claiming their vehicle. The fact that a previously immobilized vehicle has been removed from the area without authorization from FAMU DPS shall be prima facie evidence that the registered owner has tampered with the immobilized vehicle. Tampering with an immobilized vehicle is a criminal offense and subject to prosecution. Owners of immobilized vehicles may make restitution during regular office hours of the Department of Public Safety, Parking Division. Such payments will not be accepted after hours or on weekends or holidays.

(i) A signed release slip must be obtained from FAMU DPS before a towed vehicle may be reclaimed from the towing company. The release slip will be issued after vehicle registration fees and outstanding citation fees are paid and/or if applicable, authorization made for payroll deduction for past due fines at the Office of the Comptroller. In addition, the owner or operator of the towed vehicle must provide proper identification to the towing company and pay the towing charges to the towing company before reclaiming the vehicle from the towing company.

(8) Citation Appeals

(a) Citations must be paid or appealed within five (5) working days from the date of the citation to avoid late payment and indebtedness to the University. The right to appeal is forfeited after five working days from the date of the citation.

(b) The Appeal Process is afforded to persons wishing to contest the citation. The appeal process begins with the completion of an appeals form at the Department of Public Safety, Parking Division. An Appeals Mediator (Assistant Director for Parking) at level one (1) will adjudicate the appeal. Any appellant dissatisfied with the decision may have their appeal heard at level two (2) by the University Traffic Authority.

Lack of knowledge of Traffic and Parking regulations is not a valid basis on which to appeal a citation.

(c) The Assistant Director for Parking will review the documentation submitted and make a determination on the appeal within fifteen (15) days. The individual will be notified in writing of the Director's decision. If the citation is sustained, the fine must be paid within 14 days of the date of the Assistant Director's decision, unless a final appeal is timely filed.

(d) A final appeal of the citation may be made by requesting a hearing before the University Traffic Authority. A Request for Hearing form which is incorporated herein by reference, is available at the Department of Public Safety, Parking Division.

(e) The documentation that was reviewed by the Assistant Director will be forwarded to the University Traffic Authority; however the University Traffic Authority will make a new determination of the case.

(f) The individual appealing the citation may indicate on the form an intention to be present at the Hearing.

(g) The individual will be notified of the date, time, and location of the hearing and may present evidence.

(h) The individual will be notified in writing of the decision of the University Traffic Authority. If the citation is sustained, the fine must be paid within 14 calendar days of the University Traffic Authority's decision.

(9) The following forms, effective August 1, 2001, listed in the *University Parking and Traffic Handbook*, are incorporated herein by reference and are available in the Department of Public Safety, Parking Division:

(a) Vehicle Registration Form – FAM.UPS-1;

(b) Lost/Stolen/Damaged Decal Affidavit Form – FAM.UPS-2;

(c) Decal Replacement Form – FAM.UPS-3;

(d) Parking and Traffic Appeal Form – FAM.UPS-4;

(e) Immobilization Notice Form – FAM.UPS-5;

(f) Towed/Immobilized Vehicle Authorization Release Form – FAM.UPS-6;

(g) Appeals Ruling Report Form – FAM.UPS-7;

(h) Gated Lot(s) Lottery Application Form – FAM.UPS-8;

(i) Transmittal of Authorization Form – FAM.UPS-9;

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(j) Special Events Request Form – FAM.UPS-10; and

(k) Employee Payroll Deduction Form – FAM.UPS-11.

(10) The following documents, effective August 1, 2001, in the *University Parking and Traffic Handbook*, are incorporated herein by reference and are available in the Department of Public Safety, Parking Division:

(a) City of Tallahassee Ordinance, Number 95-0-0018; and

(b) Tallahassee Code, Article VI, Rotation System Towing.

Specific Authority 1001.74, 1006.66, FS. Law Implemented Board of Governors Resolution Adopted January 7, 2003, 1001.75, 1006.66, 1012.97, 316.003, 316.008 316.1945, 316.1959 316.640 FS. History-New 10-1-75, Formerly 6C3-3.04, Regulation 3.004 Amended, 9-30-96, 5-25-00, 8-20-01, 11-28-02, _____-07.

Cf. BOG Rule 6C-7.003(33) and (34) On parking fines, decals, and transportation access fee, and University Regulation 3.011 on commercial solicitation.

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