

**WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS
POLICY 28**

**REGULATION OF PARKING AND TRAFFIC
West Virginia University and Its Regional Campuses**

Section 1: General

- 1.1 Scope. Rule regarding the regulation of parking and traffic at West Virginia University and its regional campuses (each individually, a “campus”, and collectively, the “WVU campuses”), including divisions.
- 1.2 Authority. W. Va. Code § 18B-4-6
- 1.3 Effective Date. August 31, 2007

Section 2: Parking and Transportation Procedures

- 2.1 West Virginia University and its regional campuses shall each establish a set of campus policies and procedures consistent with this Policy and applicable law, which shall be set forth in a parking and transportation guide or similar publication that shall be available on the campus’s public web site and in printed form at a central location. The guide will include, without limitation, maps of all parking lots, rates, hours, and restrictions, procedures for obtaining parking permits, appealing a citation, paying a citation, claiming an impounded vehicle, obtaining temporary or visitor permits, schedules for university transportation and related services, and such other provisions as may be appropriate to effectuate the purposes and provisions of this Policy. Any changes to campus policies and procedures must be publicized by appropriate means prior to implementation and, to the extent applicable, comply with the requirements of West Virginia Code Section 18B-1-6.

Section 3: Parking Management

- 3.1 Parking: General
 - 3.1.1 The Board of Governors requires West Virginia University and its regional campuses to provide orderly parking for faculty, staff, students, and visitors, to protect pedestrians and assure access to all buildings and parking areas for fire fighting and other emergency equipment. Each campus shall have a designated campus official who

is charged with development and enforcement of campus policies and procedures.

- 3.1.2 Each campus may provide for any or all of the following:
 - 3.1.2.a Long-term lots and short-term lots, including hourly lots, which will be marked and an up-to-date map kept by the campus parking office;
 - 3.1.2.b Visitor parking, where “visitor” is defined as a person who is not a faculty, other employee or student;
 - 3.1.2.c Designated free parking locations;
 - 3.1.2.d Disability parking in compliance with Section 5 of this policy, below, and applicable law;
 - 3.1.2.e Temporary and special event parking; and
 - 3.1.2.f Permit parking, for which the University may charge a fee, or metered or similar parking, for designated lots, including, where determined by the campus, lots requiring permits for only certain times of the day. Parking fees for both short-term and long-term lots may vary by location.
- 3.1.3 Parking lots shall be numbered or otherwise named and special restrictions will be posted clearly at the entrance(s) to each parking area, as well as on the parking office web site and available in printed form at the campus parking office.
- 3.1.4 WVU and its regional campuses shall assume no responsibility for vehicles and/or protection of vehicles or their contents from third party damages at any time while they are parked, legally or illegally, on University property.

3.2 Parking Permits

- 3.2.1 Eligibility and Issuance: Faculty, staff, and students are eligible to apply for a permit. Each campus may provide that permits will not be issued or renewed to persons with outstanding fines owed to that campus. The Parking and Transportation Guide will provide for specific instruction about the permit application process.
- 3.2.2 Use of Permits: Each campus shall establish procedures for the issuance and use of permits, including, without limitation, the permit application and renewal process; permit fees; use and display of permits; and issuance of disability permits in compliance with the Americans with Disabilities Act and all other applicable law. Permit renewal procedures may be on an annual or more frequent basis, and may distinguish between students and faculty and staff. Each campus shall provide timely notice of renewal deadlines and processes.

- 3.2.3 Temporary and nonrecurring business: Each campus may assign permits for specific lots, and may issue permits allowing access to more than one lot, whether on a time-limited or unlimited basis. Determination of how lot access is assigned shall be left to the designated official, who shall make such determinations based on required travel within campus, frequency of travel within and outside of campus, work hours and safety, among other considerations. Abuse of these inter-campus parking privileges may result in fines and/or suspension of the parking permit.
- 3.2.4 Permits are nontransferable. The campus parking office may specify that permits purchased by individuals departing WVU or one of its regional campuses may not be given or sold to another.
- 3.2.5 Fraudulent Use: Each campus may provide that stealing, altering, or manufacturing parking permits for the purpose of obtaining parking services under false pretenses is considered a violation and subject to a fine and/or prosecution.
- 3.2.6 Payment: Procedures shall establish acceptable methods of payment, which may include, as appropriate, cash, credit, or debit cards, check, and payroll deduction in accordance with applicable laws.
- 3.2.7 Refunds: Procedures for each campus shall specify the circumstances, if any, under which refunds shall be granted for parking permit fees; provided, however, that the procedures shall provide a mechanism for a permit holder to stop payroll deductions or similar periodic automatic payment methods when the permit issued to that individual is returned to a specified campus location. Any permit obtained under false pretences shall be revoked without right of refund.
- 3.2.8 Lot Full: The purchase of a permit does not guarantee a parking space in a specific area or space. Lack of space is not considered a valid reason for violation of a regulation. Each campus may provide for alternative procedures in the event of lack of space.

3.3 Parking Citations

- 3.3.1 Citations may be issued for:
 - 3.3.1a Parking in any paid or restricted parking area without a valid permit;
 - 3.3.1b Parking in any area other than the areas authorized for by the permit on display;

- 3.3.1c Parking in an area inconsistent with the posted hours or other restriction, unless specific accommodation granted by the authorized personnel;
- 3.3.1d Parking in short-term lots without paying the parking fee and/or having an expired ticket;
- 3.3.1e Blocking other vehicles, roadways, fire lanes, crosswalks, or fire hydrants;
- 3.3.1f Parking on sidewalks, grass, yellow lines, at yellow curbs/bumper blocks, in no-parking or non-designated parking areas, loading and unloading areas, bus loading and unloading zones, blocking entrances to or exits from buildings, and students or employees parking in visitor areas;
- 3.3.1g Failure to park within marked spaces in lots where spaces are marked;
- 3.3.1h Entering any area of the campus that has been closed by the use of barricades or other traffic devices;
- 3.3.1i Failing to report an accident involving motor vehicles on campus to the appropriate campus office;
- 3.3.1j Parking vehicles so that decals, permits, or license plates cannot be seen, or are not displayed on the vehicle;
- 3.3.1k ADA parking violations; and
- 3.3.1l Traffic related violations.

3.4 Fines and Penalties

- 3.4.1 Each campus shall be authorized to assess and collect fines and penalties for violation of parking regulations and for traffic citations to the fullest extent authorized under applicable law, subject to this Policy. Each campus shall establish a procedure for the assessment and collection of such fines and penalties. The procedure may include, without limitation:
 - 3.4.1a Time limits for responding to parking or traffic citations;
 - 3.4.1b Methods for payment, including, in the designated official's discretion, cash, certified check, money order, credit card, or online payments and other expedited payment methods;
 - 3.4.1c Notification procedures for issuance of citations;
 - 3.4.1d Sanctions for failure to pay a fine or penalty, which may include issuance of an arrest warrant or summons to appear in court and/or referral to a collection agency in accordance with state law;
 - 3.4.1e Restrictions for employees with outstanding fines, which may include revocation of permit without refund and the

- inability to renew parking permits without paying all outstanding fines;
- 3.4.1f Campus penalties for students without outstanding fines, which may include restriction from registering for classes, receiving transcripts, revocation of permit without refund, and other campus privileges; and
- 3.4.1g Procedures for towing cars with outstanding tickets in accordance with state law.

- 3.4.2 The person in whose name a parking permit or decal is issued will be held responsible for any violation involving the vehicle.

- 3.4.3 Each campus shall set fines and penalties which shall be in compliance with applicable law.

- 3.5 Appeal of citation or fine
 - 3.5.1 Each campus will provide for an appeals process for persons receiving a notice of violation. The procedure for the appeal shall outline the steps that, at a minimum, provide a means by which the person receiving a citation can appeal the citation to the campus parking office and for any such person to request a hearing officer to be appointed by the designated campus official. The decision of a hearing officer may only be appealed to the local court by a plea of not guilty to the ruling and citation. All appeals must be filed within ten (10) calendar days from the date of the citation. The institution assumes no responsibility after a citation has been issued.

 - 3.5.2 The parking appeals process shall be for campus parking violations only. City, county, or state parking and traffic citations are handled within their own jurisdictions

Section 4: Towing and Impoundment

- 4.1 A vehicle may be subject to towing/impoundment for any of the following circumstances, as set forth in campus procedures.
 - 4.1.1 Impoundment after accumulating five (5) or more past due parking citations. WVU's main campus has decided not to impound for citations accumulated in short term parking areas.
 - 4.1.2 No identifying numbers visible on the vehicle (no license plate or the VIN is blocked from view)
 - 4.1.3 Presence of a safety hazard to others

- 4.1.4 Parking in ADA designated spaces without the proper permit
- 4.1.5 Failure to surrender parking area permit or to move vehicle from assigned area for construction or repairs
- 4.1.6 For other reason(s) authorized by law
- 4.2 Each campus may provide for direct payment by vehicle owners, or for payment by the campus with a right to seek reimbursement from the owner for this cost, including for the reasonable cost of keeping the vehicle in a designated area. Until payment of these costs, the campus may retain possession of the vehicle and shall have a lien on the vehicle for the amount due, as authorized by West Virginia Code Section 38-11-14.
- 4.3 Each campus shall provide a method for identifying vehicles which are subject to towing based on past due citations; vehicles shall be so listed before they are towed based on past due citations. Towing for any other authorized reason may occur with or without advance posting. All campuses shall have no obligation to inform owners individually; posting on website or other reasonable methods shall suffice as the minimum standard for notification.
- 4.4 Payment in full shall be required for all outstanding violations prior to the release of an impounded vehicle. Any associated campus restrictions shall not be lifted until payment is made and/or check clears through the campus parking office
- 4.5 Abandoned vehicles may be disposed of in accordance with applicable law.

Section 5: Americans with Disabilities (ADA) Information

- 5.1 Each campus shall comply with the Americans with Disabilities Act, including as it applies to parking and transportation services.
- 5.2 Persons with valid accessibility placards or plates legally issued may park in designated accessibility spaces on campus.
- 5.3 Procedures for obtaining a disability permit will be included in the Parking and Transportation guide.
- 5.4 Towing shall be strictly enforced from ADA areas.
- 5.5 Disability spaces are not to be used to drop off or pick up materials by persons not having valid permits to park.

- 5.6 Persons violating ADA parking rules and laws shall be subject to the penalties listed in these rules and provided in state code.
- 5.7 Disability permits may only be used by the person to whom they are issued or when that person is being “dropped off” or “picked up.” Relatives, friends, or associates for their personal convenience may not use the permit. Such use shall be a violation of state code and may result in revocation of the permit.

Section 6: Traffic

- 6.1 All motor vehicles (motor driven or manually powered transportation conveyances) shall be subject to campus traffic regulations and West Virginia state law while on campus.
- 6.2 The maximum speed on campus roads shall be 25 miles per hour unless otherwise posted. Speed may be monitored by electronic means and campus police are authorized to issue citations for traffic violations
- 6.3 Pedestrians shall be given the right-of-way at all designated crosswalks as prescribed by state code
- 6.4 Motorcycles and motor scooters cannot be operated or parked on campus walkways or lawns
- 6.5 The campus public safety department shall have primary responsibility to enforce laws on the campus roadways.