

ADA  **AUDIO**
Conference
ADA NATIONAL NETWORK



ADA Audio Conference Series
June 19, 2012

This session is scheduled to begin at
2:00pm Eastern Time

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**NO PARKING HERE:
Accessible Parking
Requirements and
Enforcement**

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Today's Agenda

- ADA overview
- Construction, alterations, and existing facilities
 - 2010 ADA Standards
- Enforcement
 - ADA
 - State/local laws
- Questions

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ADA: Title II

- Title II: State and Local Governments
 - Must comply with ADA Standards for new construction and alterations
 - Must ensure access to programs, services and activities in existing facilities (“program access”)

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ADA: Title III

- Title III: Public Accommodations
 - Must comply with ADA Standards for new construction and alterations
 - Must remove barriers in existing facilities where it is readily achievable to do so
- Title III: Commercial Facilities
 - Must comply with ADA Standards for new construction and alterations
 - NO requirements related to existing facilities that are not altered

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Public Accommodations

- Private entities that own, operate, lease, or lease to a *place* of public accommodation
 - EXEMPT
 - Religious entities
 - Exemption is broad
 - Private membership club
 - Exemption is lost to the extent a private club opens to non-members
 - Twelve types of *places* ...

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The Twelve Types

- Lodging
- Food/drink
- Exhibition/entertainment
- Public gathering
- Sales/rental
- Services
- Public transportation terminals (not airports)
- Public display/collection
- Recreation
- Education
- Social service
- Exercise/recreation

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Commercial Facilities

- Private facilities that are *not*
 - Covered *or* exempted under the Fair Housing Act
 - Aircraft
 - Rail cars
- Examples of what they *are*: factories, warehouses (not open to customers or general public)

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ADA: Title I

- Title I: Employment
 - No ADA requirements for new construction, alterations (*however*, employers may have obligations under other titles or other laws)
 - **Individualized** reasonable accommodations required

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Questions?



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2010 ADA Standards



- New construction
- Additions /alterations
 - Maximum extent feasible
- “Yardstick” for barrier removal, program access
 - Safe harbor for spaces or elements that comply with 1991 Standards

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Scoping: Section 208



Total Spaces	Accessible Spaces
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201- 300	7
301 - 400	8
401 – 500	9
501 - 1000	2 percent
1001 or more	20, plus 1 for each 100, or fraction thereof, over 1000

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Medical Facilities

- Hospital outpatient facilities: 10% of patient and visitor parking
- Rehabilitation facilities that specialize in treating conditions that affect mobility and outpatient physical therapy facilities: 20% of patient and visitor parking

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Residential Facilities

- Residents' parking
 - Where at least one parking space provided for each dwelling unit, at least one accessible space required for each mobility-accessible unit
 - More than one parking space provided per unit, 2% of spaces not addressed by provision above
- Non-residents' parking
 - Basic requirements (scoping: Table 208.2)

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Van-Accessible Parking



- **1991 Standards:**
 - Van-accessible: one of every **eight** accessible spaces
- **2010 Standards:**
 - Van-accessible: one of every **six**, or fraction of six, accessible spaces

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New Exemption



- Spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles, or vehicular impound are not required to include accessible spaces *as long as public-access lots have accessible passenger loading zones*



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Valet Parking



- **1991 Standards:**
 - Exception for valet parking facilities; accessible spaces *not* required
- **2010 Standards:**
 - NO exception for valet parking facilities; accessible spaces *are* required

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Parking: Signs



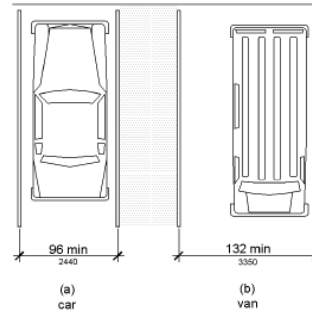
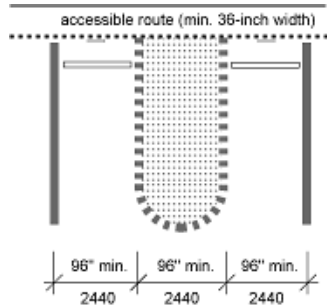
- New exemptions (216.5)
 - Signs not required on sites with four or fewer total parking spaces (including accessible spaces)
 - Signs not required for residential facilities where parking spaces are assigned to specific dwelling units

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Tech Specs: Section 502



- **1991 Standards:** Van-accessible space has wider *aisle*
- **2010 Standards:** Wider *space* instead of wider *aisle* for van spaces



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Access Aisles



- Must be marked to discourage parking in them
- Must not overlap vehicular way
- Must connect to accessible route
 - Marked crosswalks recommended where route crosses vehicular way; designs that do not require traveling behind parked vehicles preferred
- Angled van-accessible parking space access aisles must be on passenger side

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Signs: Height



- New specification for height of signs on accessible parking spaces: 60 inches minimum measured to the bottom of the sign

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Maintenance



- Required features of accessibility must be maintained (35.133/Title II; 36.211/Title III)
- May reduce/eliminate maintenance in accord with reduced requirements in new Standards
 - Example: may eliminate sign on accessible parking space at facility with four or fewer total spaces (if permitted by state/local requirements!)

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Questions?



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Dueling Standards



- Must comply with *all* applicable codes, standards, and laws; federal, state, local
 - Follow most stringent standard for each provision



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Enforcement: ADA



- Title II/Title III
 - DOJ (www.ada.gov)
- Title I
 - EEOC/state FEPA (www.eeoc.gov)

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Enforcement: State and Local



- Obtaining a parking permit
 - State
- Illegal parking
 - Local law enforcement/jurisdiction



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Questions?



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Thank you for participating in today's
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The next scheduled session is:

**ADA Anniversary Update: 22 Years Later
July 17, 2012**

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