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Accessible Parking

New Provisions in ADA Regulations



The U.S. Department of Justice (DOJ) issued new regulations under the Americans with Disabilities Act (ADA) in 2010. The new rules affect state and local governments (Title II of the ADA), as well as public accommodations and commercial facilities (Title III). The regulations include the new *2010 ADA Standards for Accessible Design*, outlining minimum accessibility requirements for buildings and facilities.

Existing Facilities

New construction projects must meet minimum standards with very few exceptions; alterations are also subject to strict requirements, although they may be more affected by existing structural conditions. Existing buildings and facilities which are not undergoing planned alterations are viewed a little differently.

Title II: Program Access

State and local government agencies that offer programs, services, or activities in existing facilities need to make sure that people with disabilities can gain access and participate in these activities. There are a variety of ways that agencies can ensure access to programs, but making structural improvements is often necessary.

Title III: Barrier Removal

Both commercial facilities and public accommodations must follow standards for new construction and alterations. Additionally, public accommodations (private businesses that are open to the general public, like retail stores, restaurants, banks, parking garages, and many others) must remove barriers when it is “readily achievable” to do so; readily achievable means “easily accomplishable and able to be carried out without much difficulty or expense.” Designating accessible parking is often readily achievable, and is considered a top priority because it enables many people with disabilities to “get in the door.”

Safe Harbor

The 2010 regulations include a “safe harbor” for features that already comply with the 1991 standards, but may not meet the new 2010 standards. *For example:* A retail store’s parking lot has a total of 250 parking spaces; in compliance with 1991 standards, the lot includes seven accessible spaces, one of which is van-accessible. The 2010 standards would require *two* van-accessible spaces, but the store does not have to modify its parking lot to provide the additional space until the lot undergoes a planned alteration (re-stripping, re-surfacing, etc.) after March 15, 2012. If the lot is altered after that time, it will then be brought into compliance with the 2010 standards, to the maximum extent feasible.

How many accessible parking spaces are needed?

| Total Number of Parking Spaces in Parking Facility (Lot or Garage) | Minimum Number of Accessible Parking Spaces Required |
|---|---|
| 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% of total |
| 1001 and over | 20, plus 1 for each 100, or fraction thereof, over 1000 |

One of every six accessible parking spaces, or fraction thereof, must be “van-accessible.” *For example:* A parking lot with 400 total spaces needs eight accessible spaces, and two of those eight spaces must be van-accessible.

Accessible spaces must connect to the shortest possible accessible route to the accessible building entrance or facility they serve.

Where a parking facility serves multiple buildings or accessible entrances, accessible parking spaces should be dispersed to enable people to park near as many accessible entrances as possible. *For example:* A shopping center has fifteen stores, each with a separate entrance. There is one large parking lot with 1000 spaces. The twenty accessible parking spaces should be dispersed to provide some options for people to park close to the different stores.

Where separate parking facilities serve the same building or entrance, accessible spaces may be grouped together, as long as the number of spaces provided is determined according to each of the separate parking facilities. *For example:* A sports stadium has an adjacent parking lot with 1000 spaces and a separate parking lot several blocks away with an additional 1500 spaces. The adjacent lot needs 20 accessible spaces (four of which need to be van-accessible), and the remote lot needs 25 accessible spaces (five of which need to be van-accessible). Since accessible spaces need to be as near as possible to the facilities they serve, the 45 accessible spaces (including nine van-accessible) can be located in the lot adjacent to the stadium.

Medical Facilities

Certain types of medical facilities need more accessible parking.

- Hospital outpatient facilities need **10%** of patient/visitor spaces to be accessible.
- Rehabilitation facilities that specialize in treating mobility-related conditions and outpatient physical therapy facilities need **20%** of patient/visitor spaces to be accessible.

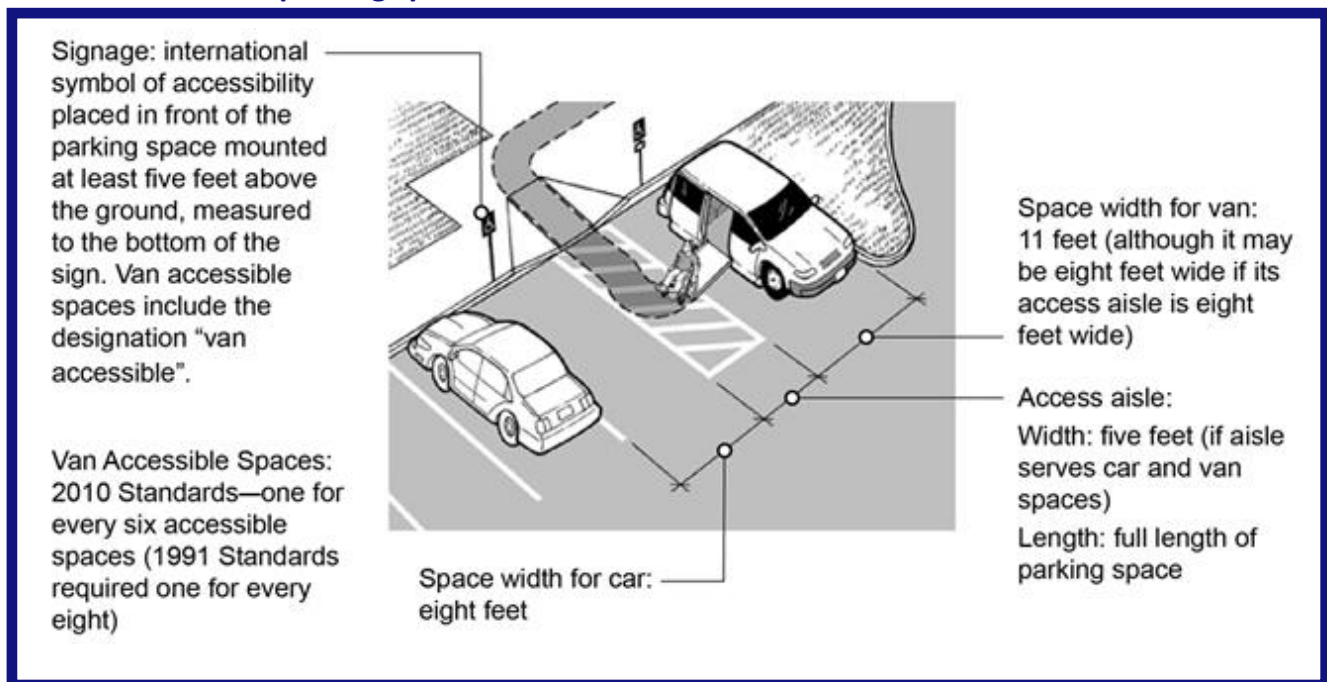
The number of van-accessible spaces is still one of every six accessible parking spaces, or fraction thereof.

For example: An outpatient physical therapy facility has a parking lot with 50 total spaces for employees only. Following basic requirements, that lot will need two accessible spaces, one of which will be van-accessible. A separate lot with 200 total spaces is provided for patients and visitors; this lot will need 40 accessible spaces, seven of which will be van-accessible.

Exceptions

- Parking facilities that are used exclusively for buses, trucks, delivery vehicles, law enforcement vehicles, and vehicular impound are not required to include accessible spaces, but if such lots are accessed by the public (e.g. impounded vehicle retrieval) then an accessible passenger loading zone must be provided.

What do accessible parking spaces look like?



Dimensions (all dimensions are *minimums*): Accessible parking spaces are eight (8) feet wide; van-accessible spaces are eleven (11) feet wide. Access aisles for either type of space are five (5) feet wide. These adjacent aisles, which can be shared between two spaces, provide room for individuals to deploy vehicle-mounted wheelchair lifts and/or unload and use mobility devices such as wheelchairs, walkers, etc. An alternate design allows a van-accessible space to be eight (8) feet wide if the adjacent access aisle is also eight (8) feet wide.

Access aisles must be marked (e.g., painted with hatch marks) to discourage parking in them. This is especially important where the alternate design is used and an access aisle at a van-accessible space is the same size as the space.

The surface of accessible spaces and access aisles must be smooth, stable, and virtually level in all directions to ensure safe use for people with disabilities, including those who must load, unload, and use wheeled mobility devices.

Additionally, van-accessible spaces, their associated access aisles, and the vehicular routes serving them must provide vertical clearance of at least 98 inches to allow for the height of typical wheelchair lift-equipped vehicles.

Signs

Accessible parking spaces must be identified by signs that include the International Symbol of Accessibility. Signs at van-accessible spaces must include the additional phrase “van-accessible.”



Signs should be mounted so that the lower edge of the sign is at least five (5) feet above the ground. This helps ensure visibility both for motorists and local enforcement officials.

Exceptions

- Parking lots that have four or fewer total spaces do not need to designate the accessible space with a sign. This means that for the purposes of local enforcement (at least in most jurisdictions), anyone, with or without a disability, can park in the accessible space. This is intended to excuse very small entities from having to reserve 25% to 100% of their available parking for individuals with disabilities.
- Residential facilities where parking spaces are assigned to specific dwelling units are also exempt from the requirement to post signs at accessible spaces.

Note that these two exemptions are only related to *signs*; accessible parking spaces must still be provided in appropriate numbers and with other required features (minimum width, etc.).

Maintenance

It is important that accessible features be maintained, and outdoor spaces can be especially challenging because of weather and other conditions. Accessible parking spaces, aisles, and routes should be maintained in good repair and kept clear of snow, ice, or fallen leaf build-up.

Other Laws, Other Requirements

The ADA establishes these requirements to ensure that when parking facilities are provided by entities covered by Title II or Title III, accessible spaces with certain features are available. Many state and local governments have their own requirements, which may be more specific or more stringent in some ways.

Each state also establishes criteria and procedures to issue accessible parking permits (often in the form of distinctive license plates or placards) to individuals with disabilities. Enforcement activities related to these issues (fraudulent use of permits, illegal parking in accessible spaces, etc.) are typically carried out by state and local authorities, such as city police departments.

Other requirements may be relevant in different situations or under different laws. For example, the Fair Housing Act requires covered housing providers to make “reasonable accommodations” for residents with disabilities, which could mean reserving a parking space for a specific individual.

Find information about tax incentives and other ADA materials through the Department of Justice at www.ada.gov; the 2010 ADA Design Standards are at www.ada.gov/2010ADASTandards_index.htm.

Visit adata.org or call **1-800-949-4232** V/TTY to contact your regional ADA Center.