



DISABILITY AND COMMUNICATION ACCESS BOARD

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INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: DCAB 2011-01: Does ADAAG section 208 apply to open street parking?

Summary: There are projects subject to HRS §103-50 that include parking stalls within the public right-of-way. In these instances the parking stalls serves a particular building or facility subject to HRS §103-50. While the ADAAG does not address parking within the public right-of-way, projects subject to HRS §103-50 are required to be designed and constructed as accessible.

Under Title II of the ADA, new construction and alterations constructed or altered on behalf of, or for the use of, a public entity are required to be accessible. In addition, where parking is provided at a building, facility or site, accessible parking is required to be provided. Where on-street parking is designated or reserved for buildings subject to Title II of the ADA, the parking would need to be accessible because someone going to that building or facility would be directed to park on the street in those designated stalls.

Ruling: For buildings or facilities subject to HRS §103-50,

ADAAG Section 208 Parking Spaces

Where street parking located in the public right-of-way is reserved or designated for a building or facility subject to HRS §103-50, that street parking shall comply with ADAAG section 208.

[Rul: 01/03/2011] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.

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