



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 Americans with Disabilities Act Accessibility Guidelines (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: **Docket 2008-09:** Can the 98” vertical clearance required by ADAAG 4.6.5 for van accessible parking spaces and one vehicle access route to such spaces from site entrance(s) and exit(s) be reduced to 84” under specific circumstances and constraints due to 1) zoning regulations (i.e., height limit/building envelope constraints, etc.); 2) flood mitigation measures; 3) building code regulations (floor elevation limits related to increases in floor area); 4) various agency requirements (limitations of pavement elevation changes related to driveways, etc.)?

Summary: ADAAG Section 4.6.5 states that the height of van accessible stalls shall have a minimum vertical clearance of 98 in (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

There are a number of factors that may arise during the design process of a project that appears to justify why the project cannot comply with ‘ADAAG Section 4.6.5 Vertical Clearance’ for van accessible stalls. However, both the Department of Justice (DOJ) and the U.S. Access Board has stated that unless in new construction it can be shown to be structurally impracticable, or in alterations it is technically infeasible to comply with the ADAAG, van accessible stalls shall comply with ADAAG Section 4.6.5. The ADAAG allows departures from particular technical requirements where the alternative design provides substantially equivalent or greater access to and usability of the facility. The DOJ has stated that where there is a conflict between the ADAAG and a State or local code such as a building code, the ADAAG takes precedence.

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

ADAAG Section 4.6.5 Vertical Clearance

The van accessible stall shall comply with ADAAG 4.6.5.

[Rul: 11/19/08] (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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