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*On July 26, 2011, the Access Board issued revised **proposed** guidelines for accessibility in public rights-of-way. These guidelines have been issued several times since a first draft was issued in 1992. These would appear to be close to being final, having been reviewed and commented on by the public multiple times. Still, there is an opportunity to comment on the guidelines. Comments are due to the Access Board by November 23, 2011. We are excerpting the parking requirements from the document, to assist parking professionals to understand the requirements for on-street parking, as well as decide if they think they may want to submit comments. In addition, after the summary of the critical things for parking, we are including some background information, which if nothing else will serve as a refresher! This is by no means a full and complete summary much less discussion of the requirements. It is provided for the convenience of the reader and no warranty is expressed or implied.*

Parking Requirements

The easiest way to communicate these is simply to copy in the Access Board requirements as they are pretty clear and succinct, and the drawings are helpful.

R309 On-Street Parking Spaces

R309.1 General. On-street parking spaces shall comply with R309.

Advisory R309.1 General. R214 specifies how many accessible parking spaces must be provided on the block perimeter where on-street parking is marked or metered. Accessible parking spaces must be identified by signs displaying the International Symbol of Accessibility (see R211.3 and R411). Accessible parking spaces should be located where the street has the least crown and grade and close to key destinations.

R309.2 Parallel Parking Spaces. Parallel parking spaces shall comply with R309.2.

Advisory R309.2 Parallel Parking Spaces. The sidewalk adjacent to accessible parallel parking spaces should be free of signs, street furniture, and other obstructions to permit deployment of a van side-lift or ramp or the vehicle occupant to transfer to a wheelchair or scooter. Accessible parallel parking spaces located at the end of the block face are usable by vans that have rear lifts and cars that have scooter platforms.

R309.2.1 Wide Sidewalks. Where the width of the adjacent sidewalk or available right-of-way exceeds 4.3 m (14.0 ft), an access aisle 1.5 m (5.0 ft) wide minimum shall be provided at street level the full length of the parking space and shall connect to a pedestrian access route. The access aisle shall comply with R302.7 and shall not encroach on the vehicular travel lane.

Advisory R309.2.1 Wide Sidewalks. Vehicles may park at the curb or at the parking lane boundary and use the space required by R309.2.1 on either the driver or passenger side of the vehicle to serve as the access aisle.

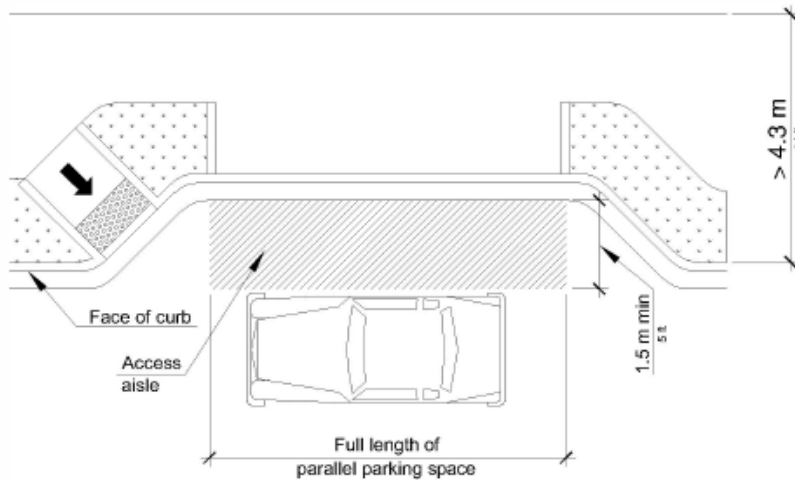


Figure R309.2.1
Wide Sidewalks

R309.2.1.1 Alterations. In alterations where the street or sidewalk adjacent to the parking spaces is not altered, an access aisle shall not be required provided the parking spaces are located at the end of the block face.

R309.2.2 Narrow Sidewalks. An access aisle is not required where the width of the adjacent sidewalk or the available right-of-way is less than or equal to 4.3 m (14.0 ft). When an access aisle is not provided, the parking spaces shall be located at the end of the block face.

Advisory R309.2.2 Narrow Sidewalks. Vehicle lifts or ramps can be deployed on a 2.4 m (8.0 ft) sidewalk if there are no obstructions.

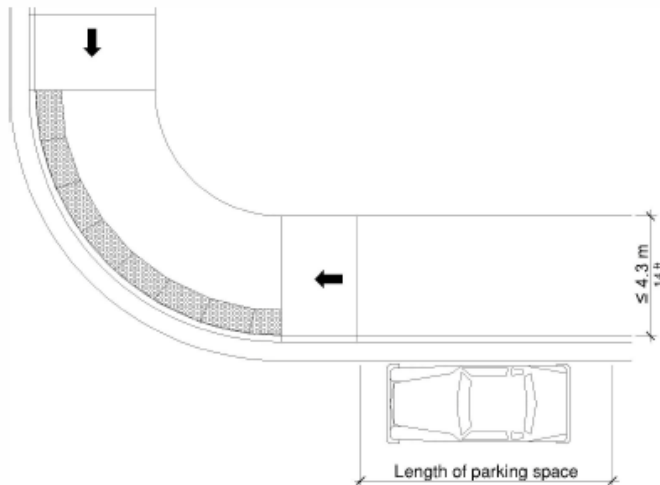


Figure R309.2.2
Narrow Sidewalks

R309.3 Perpendicular or Angled Parking Spaces. Where perpendicular or angled parking is provided, an access aisle 2.4 m (8.0 ft) wide minimum shall be provided at street level the full length of the parking space and shall connect to a pedestrian access route. The access aisle shall comply with R302.7 and shall be marked so as to discourage parking in the access aisle. Two parking spaces are permitted to share a common access aisle.

Advisory R309.3 Perpendicular or Angled Parking Spaces. Perpendicular and angled parking spaces permit the deployment of a van side-lift or ramp.

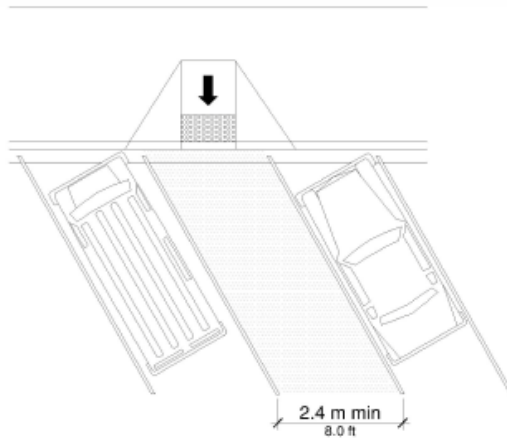


Figure R309.3
Perpendicular or Angled Parking Spaces

R309.4 Curb Ramps or Blended Transitions. Curb ramps or blended transitions complying with R304 shall connect the access aisle to the pedestrian access route. Curb ramps shall not be located within the access aisle.

Advisory R309.4 Curb Ramps or Blended Transitions. At parallel parking spaces, curb ramps and blended transitions should be located so that a van side-lift or ramp can be deployed to the sidewalk and the vehicle occupant can transfer to a wheelchair or scooter. Parking spaces at the end of the block face can be served by curb ramps or blended transitions at the pedestrian street crossing. Detectable warning surfaces are not required on curb ramps and blended transitions that connect the access aisle to the sidewalk, including where the sidewalk is at the same level as the parking spaces, unless the curb ramps and blended transitions also serve pedestrian street crossings (see R208).

R309.5 Parking Meters and Parking Pay Stations. Parking meters and parking pay stations that serve accessible parking spaces shall comply with R309.5. Operable parts shall comply with R403.

R309.5.1 Location. At accessible parallel parking spaces, parking meters shall be located at the head or foot of the parking space.

Advisory R309.5.1 Location. Locating parking meters at the head or foot of the parking space permits deployment of a van side-lift or ramp or the vehicle occupant to transfer to a wheelchair or scooter.

R309.5.2 Displays and Information. Displays and information shall be visible from a point located 1.0 m (3.3 ft) maximum above the center of the clear space in front of the parking meter or parking pay station.

Commentary on Parking Requirements

The 2011 requirements are essentially unchanged from the 2005 draft. We suspect that this means that there is little chance of any changes to these areas now. The requirement for number of accessible spaces is actually a big improvement from the some of the earlier drafts; for example the 2002 proposed guidelines required providing accessible spaces on every block face even if there is only one stall. If there are less than 25 spaces around the perimeter the 2002 requirement would be 4 spaces; 2005/11 only require 1 space, so there was a 75% reduction in the allocation to accessible spaces. You will note that in neighborhoods where parking is permitted but neither metered or marked such as residential neighborhoods, NO accessible stalls are required.



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The big issue is likely not the number of stalls, it is the access aisles. As with parking off-street, the person getting out of a car has to have a space to transfer to a wheelchair, and the wheels of the wheelchair have to be at the same elevation as the tires. A stall that requires a person with disabilities to get out immediately on a curb is not fully accessible. So if the sidewalk is wide enough (which they define as >14 ft, cities will have to do the "bump-in" which requires removal of trees, street furniture, signs, sidewalk cafes, etc. If you are replacing the curb **or sidewalk**, or building a new street, and the sidewalk is wide, you have to include this in the plans at every accessible stall that is provided as a parallel stall. Also note that any street furniture including signs and meters cannot be within the length of a parallel accessible parking stall, whether the bump in is provided or not. Also notice that the access aisles is shown next to the curb but the text says that drivers can pull close to the curb and thus have somewhat protected space for a driver or passenger on the driver side to get out of the vehicle without being in the moving traffic lane. Local police and meter enforcement personnel need to be instructed not to ticket vehicles parked in that fashion.

Interestingly, we think there may be a mistake in dimensioning the aisle with the angled parking stalls in the figure. This does not provide 8 ft clear between stalls and is not the way that access aisles have been designed in off-street parking for van accessible spaces. We'll see if it stays that way in the final version.

Until these guidelines are finalized and adopted by the Department of Justice (DOJ), they are not "required". However, any entity intending to make a good faith effort to make new or altered construction in the ROW accessible would likely find this document as the best available guidance.

BACKGROUND

Parking professionals may not be aware that the original ADA Accessibility Guidelines (ADAAG) did not contain "scoping" requirements for accessibility in public rights-of-way (ROW), which is the municipal or state owned property in which streets and highways are located. They did issue some technical guidelines that were applicable to elements in the ROW, particularly curb ramp and detectable warnings. The provisions for reach range and twisting motion did apply to parking meters if they are to be accessible. However, there were no scoping guidelines for how many of elements that are commonly found in the public ROW had to be accessible, i.e, how many parking spaces or parking meters have to be accessible. There was also not little or no guidance about how to design certain things that are common in the public ROW, but not on private properties, such as roundabouts and pedestrian signals. Indeed, dealing with those issues is what reportedly has taken so many drafts and years to work through.

As noted in the documents, "The guidelines when finalized will affect the design, construction, and alteration of pedestrian facilities in the public right-of-way." With the exception of curb ramps, there is no requirement to fix existing elements in the ROW that don't comply, until or unless they are being altered OR if the element affected the access to programs and services offered by public entities (we'll return to that in a minute.) Restriping in place with no change of layout is not an alteration. However the guidelines apply element by element. If a sign or meter associated with designated accessible stalls is replaced, it has to meet the guidelines even if the stall layout does not meet the new guidelines. If the curb or sidewalk is taken out and replaced where the sidewalk is wide, it probably has to be replaced to



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provide the required access aisle for accessible stalls. We say probably because there are certain preexisting conditions that are accepted as reasons not to comply.

To further support this view, the 2011 commentary states note: "It is not intended for additional work to be done outside the scope of the project. For example, if an alteration project involves only installing pedestrian signals at existing intersections and there are no detectable warning surfaces on the curb ramps at the intersections, the proposed guidelines would require accessible pedestrian signals and pedestrian pushbuttons to be provided at the intersections because they are within the scope of the project, but would not require detectable warning surfaces to be provided on the curb ramps because they are not within the scope of the project. The proposed guidelines also clarify that where elements are altered or added to existing facilities but the pedestrian circulation path to the altered or added elements is not altered, the pedestrian circulation path is not required to comply with the proposed requirements for pedestrian access routes (see R202.1). For example, if a new bench is installed on a sidewalk that has a cross slope exceeding 2 percent, the sidewalk is not required to be altered to reduce the cross slope because the bench is installed on the sidewalk." The whole idea of the alterations requirements in ADAAG is that individual elements will be improved over time, generating at least some improvement for those persons who can benefit from that specific change. They did not want the excuse of not a constraint of one thing (2% cross slope) preventing doing what can be done. For example, where it is not possible to provide an access aisle on street, you still have to designate an accessible stall and hopefully, make sure there is a route to the sidewalk.

The above is "commentary" and the reason we recommend all those responsible for on-street parking download and review the full document, at <http://www.access-board.gov/prowac/nprm.pdf>. The pdf document is 114 pages. In our experience it helps to have the commentary that is published in the Federal Register; by explaining why they did or didn't change things from prior items or in response to comments, it often helps with interpretations. If you download and save copies of only the guidelines, you will miss this important, helpful information.

A final note to remember is that the ADA requirements for **public entities**¹ relative to existing facilities (as of the effective date) were "program" based, ie, public entities had to make their programs and services accessible. That is why the quote above mentions only new construction and alterations, and not existing facilities. Rather than making a path of travel to a public meeting space accessible, the public entity could move the meetings to space that is accessible. They were required to do a "transition plan" to review every program and decide how to make it accessible within six months of the effective date, and then generally had three years to make the changes. Curb ramps in the public right of way were the sole exception; public entities were required to include plans to improve existing curb ramps in the ROW in the transition plan, with certain priorities and exceptions. And all of those requirements are set by the DOJ, and not the Access Board. The Access Board sets the requirements on how to make something accessible; the DOJ sets the rules on when things have to be made accessible. The DOJ may issue new rules requiring improvements to existing elements in public ROW in the future, perhaps even when they formally adopt the final version of these 2011 proposed requirements.

¹ The requirements for improvements to existing facilities owned by private entities were and are different, and require improvements to existing facilities "where readily achievable."