

**"STRUCTURALLY IMPRACTICABLE" Provisions of the  
Americans with Disabilities Act Title II Regulations**

The Americans with Disabilities Act Title II Regulations dated September 15, 2010 contains a provision relating to "structural impracticability." This general exception is applicable in new construction, as follows:

§ 35.151 New construction and alterations

(2) Exception for structural impracticability.

- (i) Full compliance with the requirements of this section is not required where a public entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.
- (ii) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.
- (iii) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

**"STRUCTURAL IMPRACTICABILITY" STATEMENT  
Relating to a project under review for §103-50, HRS**

Project Name: \_\_\_\_\_

Dept. Project Number: \_\_\_\_\_ DCAB Project Number: \_\_\_\_\_ (if applicable)

The following item in the planned new construction project is not in full compliance with 2004 ADAAG as noted in the review by the Disability and Communication Access Board. As determined by the Department overseeing the project and/or the project consultant, this item is in compliance with the Americans with Disabilities Act Title II Regulations dated September 15, 2010 requirements to the extent it is not structurally impracticable.

Reference to DCAB Document Review Dated: \_\_\_\_\_(if applicable)      Item Number: \_\_\_\_\_(if applicable)

Explanation of why item is "structurally impracticable" (attach additional sheets, drawings, sketches, as necessary).

I acknowledge that responsibility for determining "structurally impracticable," including research/analysis of alternate design(s), rests with the Department/Agency overseeing the project and the project consultant.

\*Note: If signing for Department Director, please submit memo confirming such authorization.

\_\_\_\_\_  
Department/Agency

\_\_\_\_\_  
Name (Print) of Director, Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Consultant Firm

\_\_\_\_\_  
Name (Print) of Consultant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date