



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
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SITE SPECIFIC ALTERNATE DESIGN

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 review and decide upon site specific alternate designs requests, per the public hearing process, for HRS §103-50 projects.

Docket: **SSAD 2009-02:** Request for the site specific alternate design to depart from the running slope requirement of the Americans with Disabilities Act Accessibility Guidelines Section 4.3.7 Slope by applying the Architectural Barriers Act Accessibility Guidelines for Outdoor Developed Areas dated June 20, 2007 to the Kawaihau Connection of the Lydgate-Kapa'a Bicycle & Pedestrian Path.

Summary: The Kawaihau Connection extends from the Lydgate-Kapa'a Bicycle & Pedestrian Path near the Kuhio Highway/Kawaihau Road Intersection to Iwaena Road near Mimilo Road. The Kawaihau Connection is intended to provide a safe bicycle and pedestrian path from the neighborhood surrounding Kapa'a High and Elementary School to the Lydgate-Kapa'a Bicycle & Pedestrian Path and surrounding natural resources. Due to the existing terrain, portions of the Kawaihau Connection exceed 5% running slope. Instead of providing an accessible route that complies with the ADAAG running slope requirements, the proposed alternate design provides a concrete shared-use path with an 8% maximum running slope and landings every 200 feet. A portion of the path may be a raised boardwalk with a 5% maximum running slope. The County of Kauai considers the path a shared use path and not an accessible route. In addition, the Federal Highways Administration (FHWA) considers the Kawaihau Connection a shared use path, where it is not within the public right-of-way. The appropriate design guideline for this portion is the U.S. Access Board's Regulatory Negotiation Committee on Accessibility for Outdoor Developed Areas Final Report. The FHWA considers the portion of the Kawaihau Connection within the public right-of-way a sidewalk, which is subject to sidewalk design guidelines.

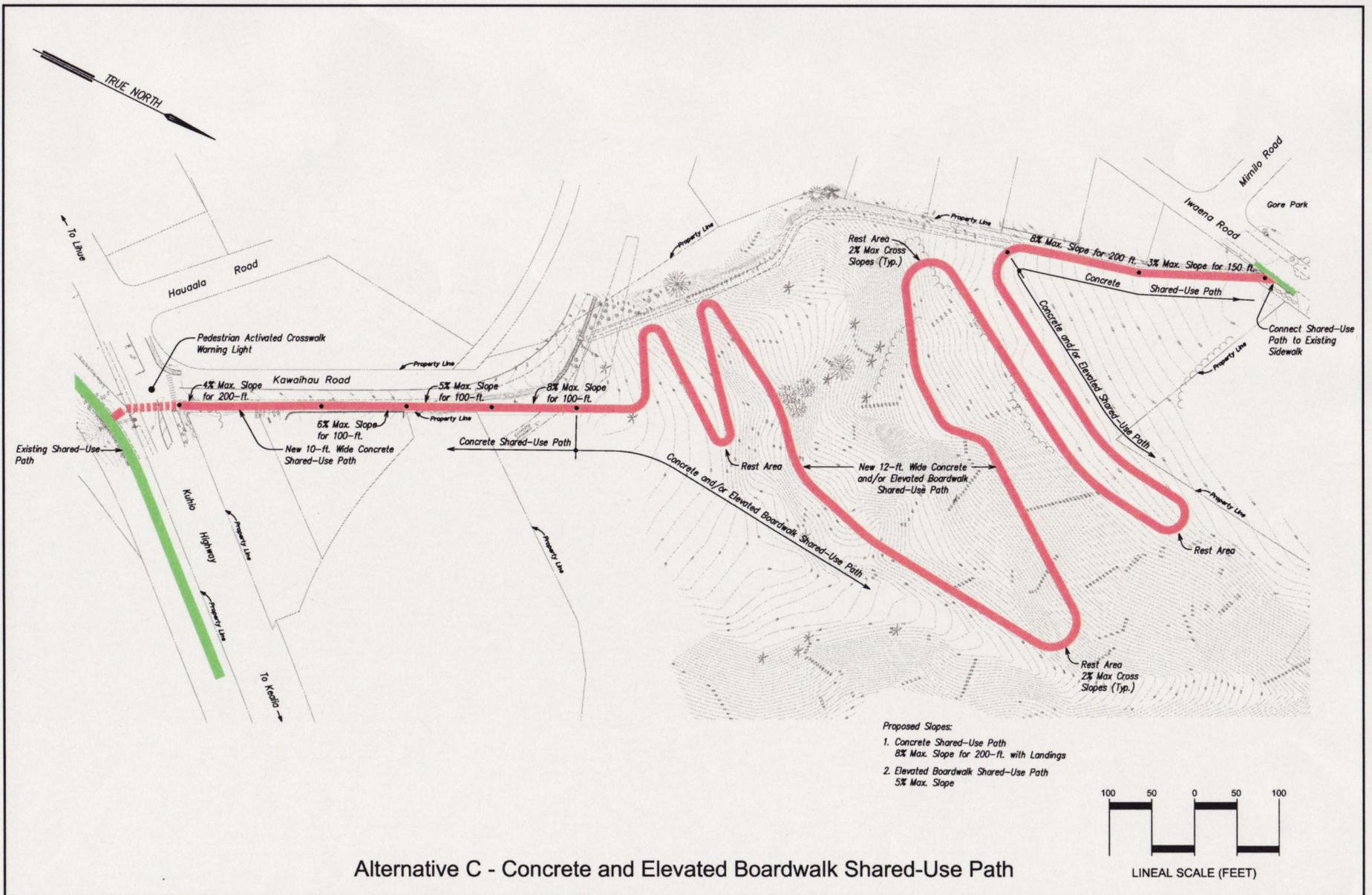
Ruling:

ADAAG Section 4.3.7 Slope

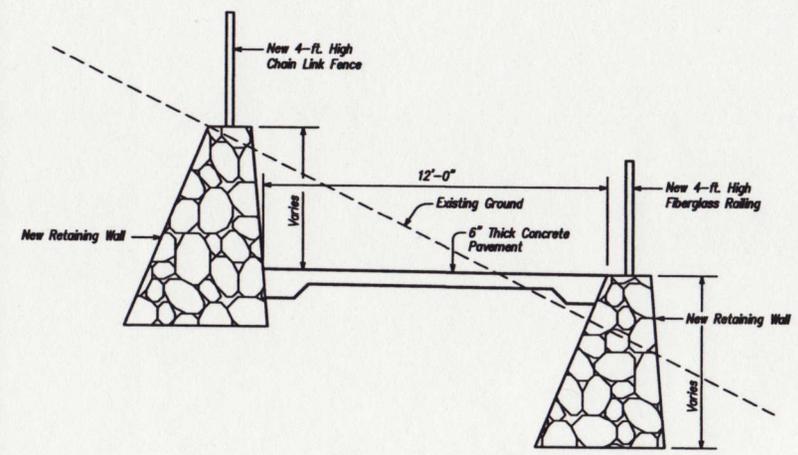
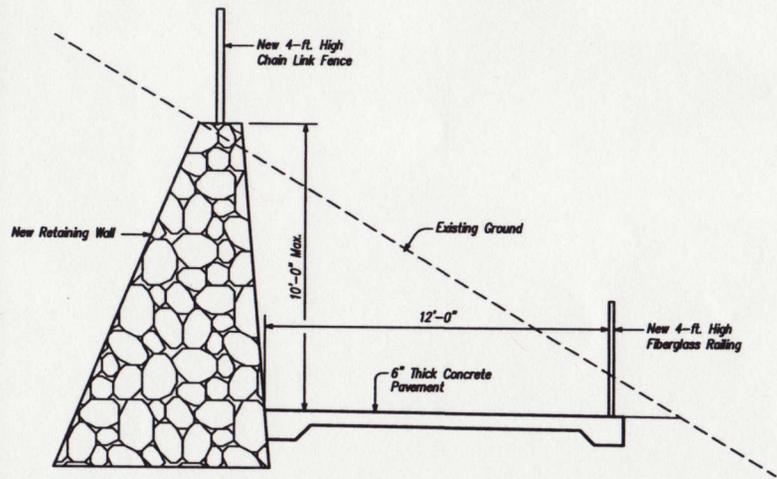
The Kawaihau Connection of the Lydgate-Kapa'a Bicycle and Pedestrian Path must comply with the Americans with Disabilities Act Accessibility Guidelines, where the Kawaihau Connection is within the public right-of-way. The Kawaihau Connection of the Lydgate-Kapa'a Bicycle and Pedestrian Path may comply with the Architectural Barriers Act Accessibility Guidelines for Outdoor Developed Areas Section T303.8.2 Running Slope dated June 20, 2007 in lieu of complying with the running slope requirements of the Americans with Disabilities Act Accessibility Guidelines Section 4.3.7 Slopes, where the Kawaihau Connection is not within the public right-of-way.

[Rul: 01/14/09] (Auth and Imp: HRS §103-50)

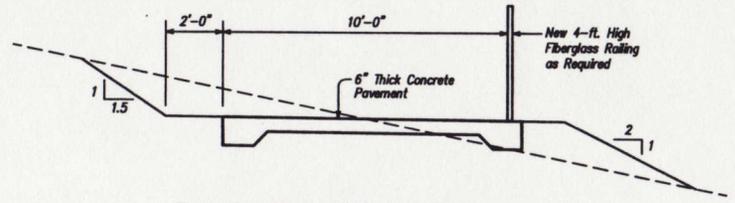
If you have any questions or comments regarding this ruling, please call us at 586-8121.



Alternative C - Concrete and Elevated Boardwalk Shared-Use Path



Typical Sections with Retaining Wall(s)



Typical Section with Cut or Fill Slopes

