



APPLICATION FORM 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 11-216, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: DCAB 2015-03: What are the requirements for pedestrian access routes within the public right-of-way?

Summary: The 2004 ADAAG does not address elements in the public right-of-way (PROW), however, as sidewalks are designed and constructed by Title II entities for public use, sidewalks are a “program” covered by the Department of Justice’s Title II regulations and therefore they must be accessible. ADAAG provisions for accessible routes within a site are not wholly applicable to routes within the PROW. Sidewalks are fundamentally different from walkways on sites as they are adjacent to roadways and subject to roadway design and urban planning constraints. Roadways typically follow predominate site grades and terrain. In the design of sidewalks within the right-of-way, the running slopes typically follow the grade of the roadway; hence sidewalks must sometimes exceed the maximum running slope allowed by the ADAAG provisions.

The Access Board has developed proposed guidelines for the PROW in which they allow the slope of pedestrian routes within a street or highway rights-of-way to follow the general grade of the street or highway. The Access Board explains that “general grade” refers to the running slope of the road adjacent to the pedestrian route in the PROW. Where alterations are being done in the PROW, the “general grade” refers to the slope of that portion of the street or highway, which is adjacent to the area being altered. “General grade” does not refer to an average taken along the length of the street or highway, nor does it refer to a portion of the street or highway that may be above or below the area adjacent to the walkway in which the alterations are being made.

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

ADAAG Section 403 Walking Surfaces

Where pedestrian access routes are contained within a public right-of-way, the grade of the pedestrian route shall not exceed 5% unless it is necessary due to the general grade of the adjacent street or highway. Where the grade of the pedestrian access route exceeds 5%, the grade of the pedestrian access route shall not exceed the general grade established for the adjacent street or highway. The cross slope of pedestrian access routes contained within a public right-of-way shall not exceed 2 percent maximum.

Advisory: The grade of the pedestrian access route is measured parallel to the direction of pedestrian travel. The cross slope of the pedestrian access route is measured perpendicular to the direction of pedestrian travel.

[Rul: 11/20/15] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121. DISABILITY AND COMMUNICATION ACCESS BOARD