



DISABILITY AND COMMUNICATION ACCESS BOARD

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INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all public buildings, facilities and sites 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 2014-05 Where a facility's parking lot has clearly designated stalls as employee parking or visitor parking, would the designated parking area be considered a separate "parking facility" from the other parking stalls? Where a facility has different types of parking such as enclosed garages, covered carports and open-air parking be considered different parking facilities?

Summary: ADAAG section 208.2 requires that the number of accessible parking required be calculated separately for different parking facilities. The difficulty is in determining what constitutes a "parking facility". While it is clear that an open-air parking lot is different from an enclosed parking garage or structure, or where parking lots are separated with each having its own entrance, some situations are not as clear.

The Department of Justice has stated that where parking is clearly identified as serving a different class of people (e.g. employees versus visitors) those designated stalls can be considered a different parking facility. Similarly, where parking provides a different level of service or features (e.g. enclosed garage or covered carport versus open-air parking) these different parking areas can be considered different parking facilities.

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

ADAAG Section 208 Parking Spaces.

Where parking is designated or restricted to serve a different group of people, (e.g. employees versus visitors/guests) the designated parking area is to be viewed as a different 'parking facility'. Where different amenities or level of service is provided, (e.g. enclosed garage, carport, open-air parking) or where parking rates vary (e.g. free parking stalls versus rental stalls), the different types of parking are to be viewed as different 'parking facilities'.

ADAAG 208.2 requires that where more than one '*parking facility*' is provided on a site, the number of accessible parking spaces to be provided is to be calculated according to the number of spaces required for each '*parking facility*'.

[Rul: 01/21/2016] (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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