



Accessible parking with the Texas Accessibility Standards

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Elimination of Architectural Barriers Program

TAS vs ADA



TAS

Construction Law

Applies to:

- New construction
- Renovations
- Alterations



ADA

Civil Rights Law

Public entities are required to accessibly operate entire services, programs, or activities

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Primary Function



106.5.45 Primary Function

“A major activity for which the facility is intended”

Examples:

- The customer service lobby of a bank
- The dining area of a cafeteria
- The meeting rooms in a conference center
- The examination rooms of a doctor’s office
- Offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out

Areas not containing a primary function*:

- Mechanical rooms
- Boiler rooms
- Supply storage rooms
- Employee lounges or locker rooms
- Janitorial closets
- Entrances
- Corridors
- Restrooms*

**Unless they are a major activity for which the building is intended.*

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202.4

Alterations
Affecting PFAs



202.3 Alterations

Where existing elements, spaces, or common use areas are altered, **each altered element**, space, or common use area shall comply with the applicable requirements of Chapter 2.

“Element by Element” = each element stands alone.

New work cannot be installed at less than the current requirement.

So...

Just replacing a lavatory, mirror, dispenser, or flooring would not trigger a requirement to bring an entire toilet room into compliance.

But every element that is altered in the room is required to comply.



But...

If the toilet rooms are required to be brought into compliance by 202.4 Alterations Affecting Primary Function Areas, the entire toilet room (and other Path of Travel Elements) must be made compliant.

because...

202.4 Alterations Affecting PFA

“An alteration that affects or could affect the usability of or access to an area containing a Primary Function shall be made so as to ensure that, to the maximum extent feasible, the **Path of Travel** to the altered area, including the parking areas, restroom, telephone, and drinking fountains, are readily accessible to and usable by individuals with disabilities.”

106.5.41 Path of Travel

- A continuous, unobstructed way of pedestrian passage
- The way an altered area is **approached, entered, and exited**
- **Connects the altered area** with:
 - An exterior approach (including sidewalks, streets, and parking areas)
 - An entrance to the facility
 - Other parts of the facility

106.5.41 Path of Travel

The Path of Travel Elements that serve a Primary Function Area are the:

- Accessible Route
- Parking
- Restrooms
- Telephones
- Drinking fountains

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Tenant Funding



202.4 Alterations Affecting PFA

Exception 2

202.4 **Exception 2** applies to alteration projects for private buildings and facilities (as defined by 106.5.46) which are **funded in their entirety by the tenant** with private funds...



...and do not have funding or monetary allowances / reimbursements / improvement funds **of any kind** provided by the landlord.

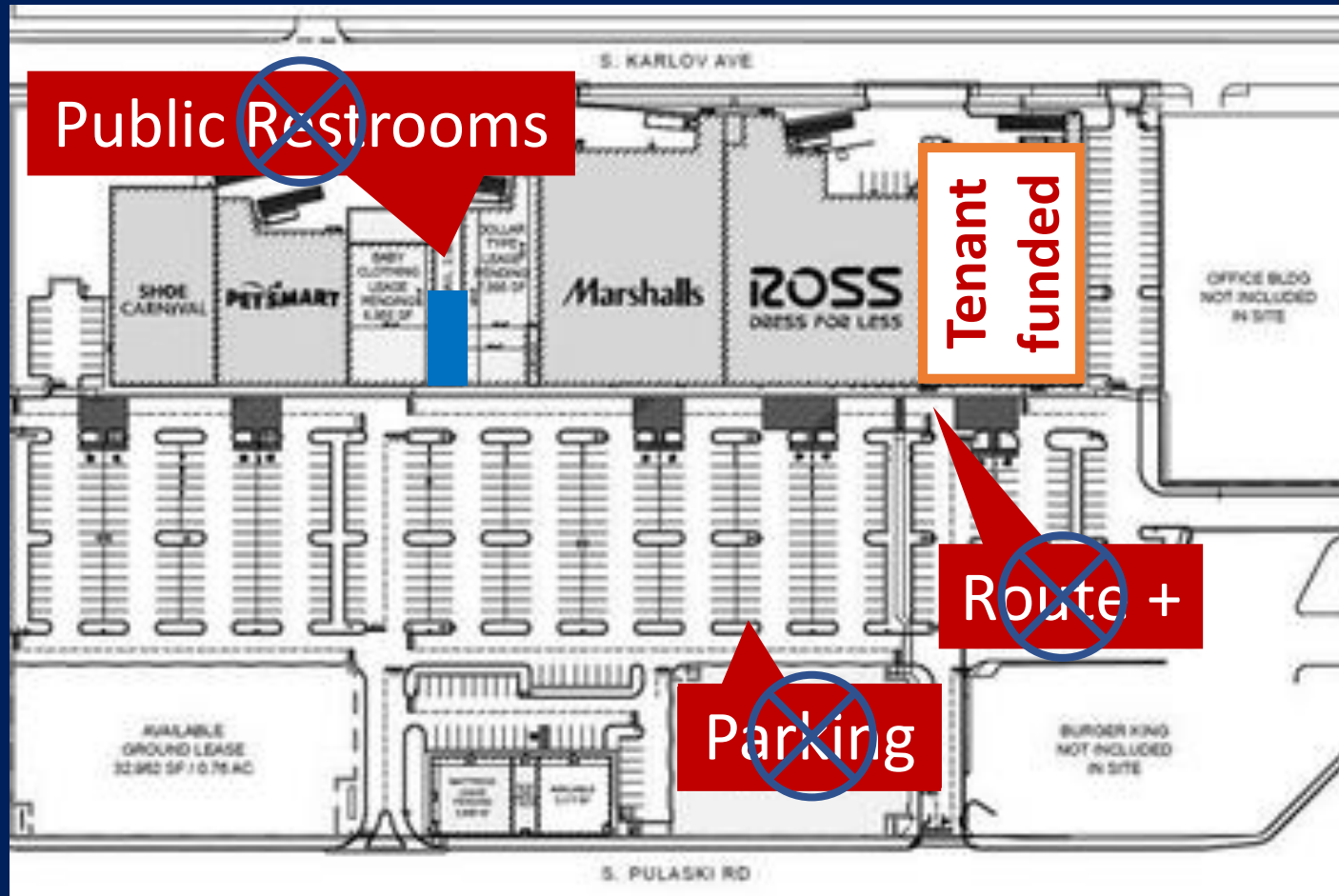
202.4 Alterations Affecting PFA

Exception 2

If a tenant is making alterations that would trigger the requirements of 202.4 (PFA):

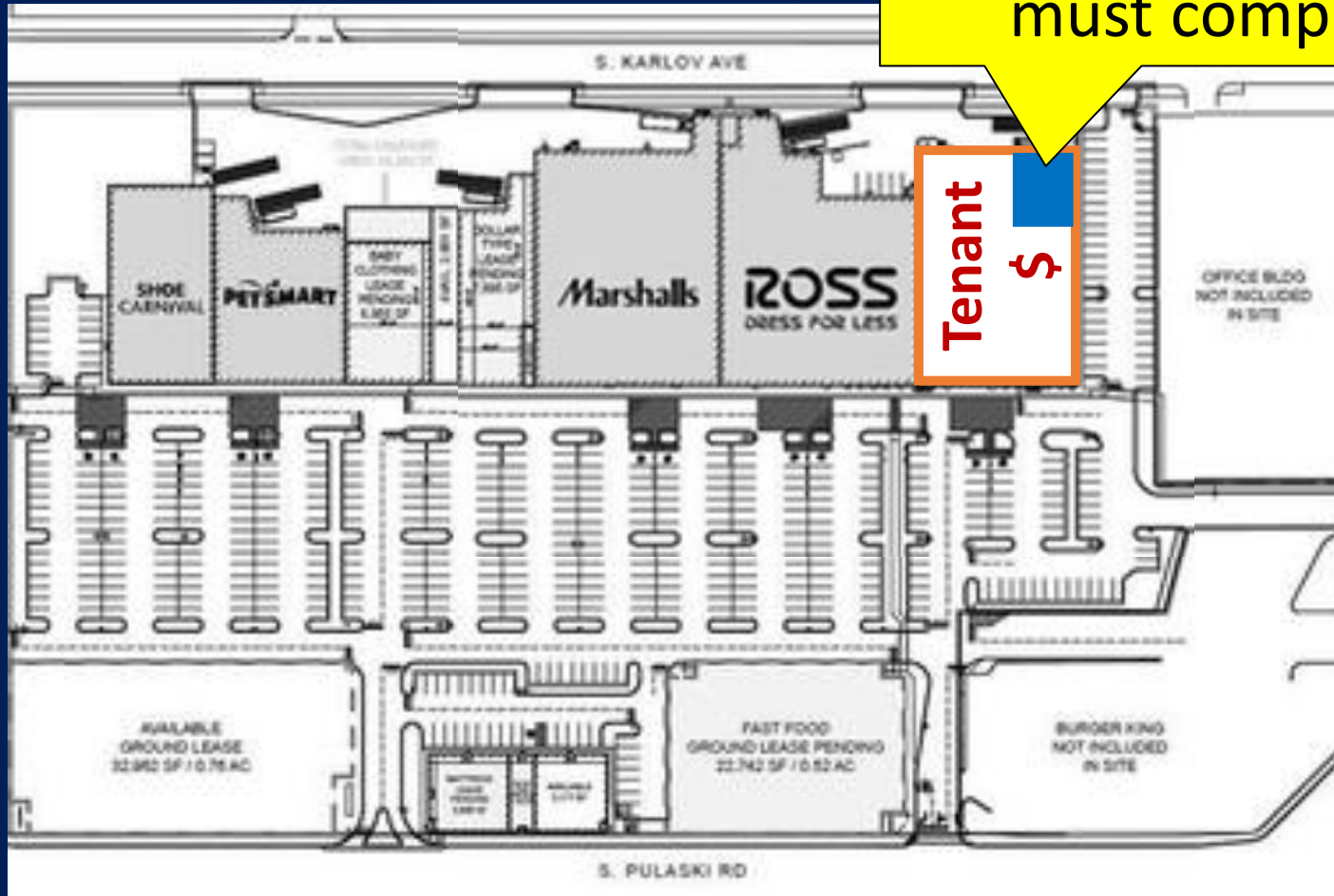
The alterations by the tenant in areas that only the tenant occupies do not trigger a path of travel obligation upon the landlord with respect to areas of the facility under the landlord's authority (if those areas are not otherwise being altered).

Tenant Funded Project in Shopping Center



Tenant Funded Project

Tenant toilet rooms must comply



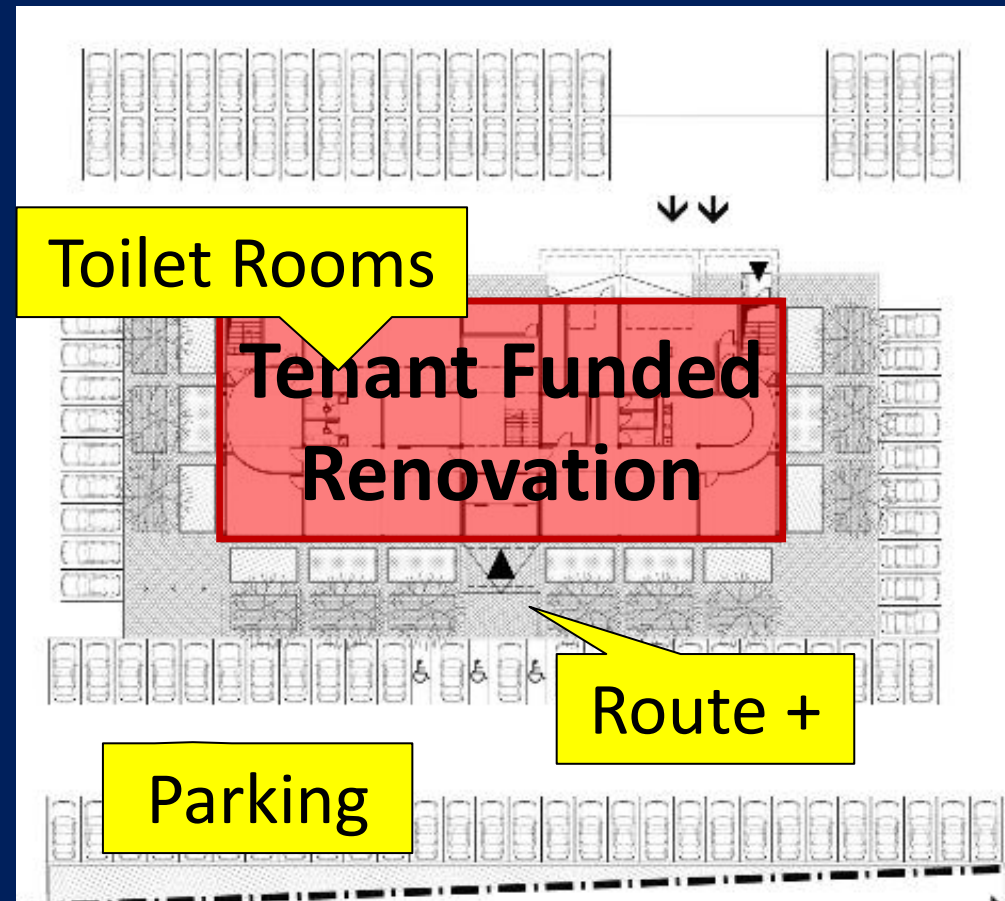
202.4 Alterations Affecting PFA

Exception 2

Tenant funded renovation of building.

Entire facility under tenant control.

Path of Travel Elements must be made compliant.





Remember, the **landlord** remains ultimately responsible to the Department for compliance with the Act, Rules, and 2012 TAS for the tenant's construction activities in accordance with Chapter 469.058(a).

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Safe Harbor

(not “Grandfathered”)



106.5.57 Safe Harbor



Both TDLR and DOJ have **“safe harbor”** provisions as it relates to compliance with the 2010 ADA and 2012 TAS.

Safe harbor is defined in TAS 106.5.57

106.5.57 Safe Harbor

Elements of a path of travel at a subject building or facility that have been **previously constructed or altered in accordance with the April 1, 1994 TAS** are not required to be retrofitted to reflect the incremental changes in the 2012 TAS solely because of an alteration to a primary function area served by that path of travel.

Those elements would be subject to compliance with the 2012 TAS only **when the elements of a path of travel are being altered.**

Important

Safe Harbor
does not mean that
buildings or facilities
are “grandfathered.”



It only means that existing elements that are in full compliance with the 1994 TAS will not be required to be brought into compliance with the 2012 TAS **until they are altered.**

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Technical Requirements



208.1 General - Parking Spaces

Where parking spaces are provided, parking spaces shall be provided in accordance with 208.



Includes all parking (employee, visitor, etc.) unless exempted.

208.1 General Exception

Parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles, or vehicular impound shall not be required to comply with 208...



...provided that lots accessed by the public are provided with a passenger loading zone complying with 503.



Exception to 208.1 would not apply if the lot is also used for employees (i.e. officers) to park their own vehicles.

208.2 Minimum Number

Where more than one **parking facility** is provided on a site, the number of accessible spaces are calculated according to the number of spaces required for each parking facility.



Parking is calculated on a facility-by-facility basis.

208.2 Minimum Number



A parking facility can be a single space, a parking lot, a parking floor within a building, or a stand alone parking structure.

Table 208.2

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

208.2.4 Van Parking Spaces

For every 6, or fraction of 6, parking spaces required to be accessible, at least one shall be a van accessible parking space.



If only one parking space is required by Table 208.2, that space must be van accessible.

208.2 Minimum Number

Parking spaces shall be provided in accordance with Table 208.2 except as required for:

- Hospital Outpatient Facilities (208.2.1);
- Rehabilitation Facilities and Outpatient Physical Therapy Facilities (208.2.2); and
- Residential Facilities (208.2.3).

These facilities have their own parking requirements.

208.2.1 Hospital Outpatient Facilities



Ten percent (10%) of patient and visitor parking spaces provided to serve hospital outpatient facilities shall comply with 502.

Outpatient Facilities

“Outpatient facility” covers facilities or units that are **located in hospitals** and provide treatment **without an overnight stay**. Individual medical facilities are subject to Table 208.2



208.2.2 Rehabilitation Facilities and Outpatient Physical Therapy Facilities

Twenty percent (20%) of patient and visitor parking spaces provided to serve:

- Rehabilitation facilities specializing in treating conditions that affect mobility
- Outpatient physical therapy facilities...

...must comply with 502



Examples

Conditions that Affect Mobility

- *Conditions requiring the use or assistance of a brace, cane, crutch, prosthetic device, wheelchair, or powered mobility aid*
- *Arthritic, neurological, or orthopedic conditions that severely limit one's ability to walk*
- *Respiratory diseases and other conditions which may require the use of portable oxygen*
- *Cardiac conditions that impose significant functional limitations.*

208.2.3 Residential Facilities Parking

Parking spaces provided to serve residential facilities shall comply with 208.2.3.

Residential Facilities Subject to Compliance

Social Service Establishments

Crew Quarters for Emergency Response Personnel

Graduate Student and Faculty Housing
at Places of Education

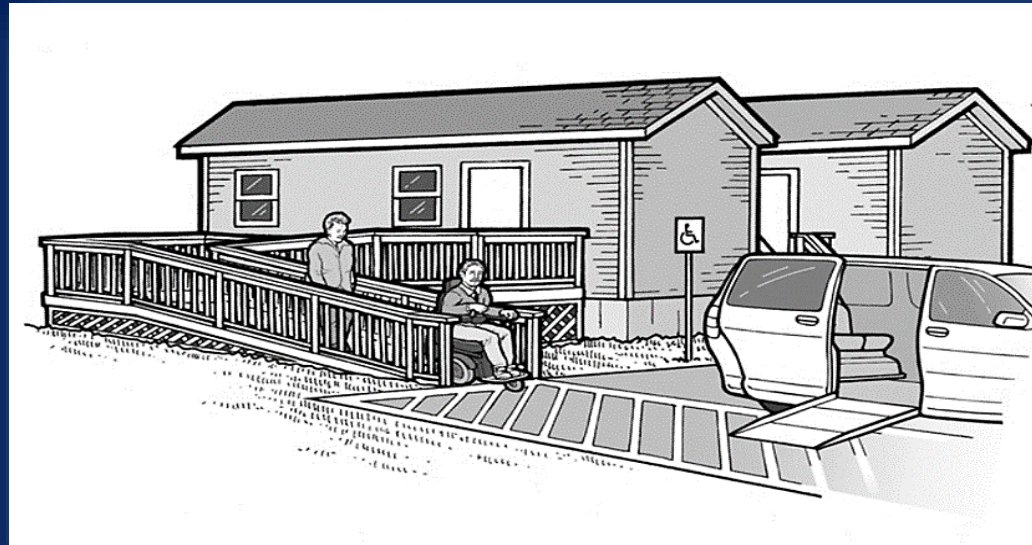
208.2.3.1 Parking for Residents

Where parking space is provided for each residential dwelling unit, at least one parking space complying with 502 shall be provided for each residential dwelling unit required to provide mobility features.



208.3.2 Residential Facilities

In residential facilities containing residential dwelling units required to provide **mobility features**, parking spaces must be located on the **shortest accessible route** to the entrance of the residential dwelling unit they serve.



208.3 Location



Parking spaces complying with 502 that **serve a particular building or facility** must be located on the shortest accessible route from parking to an entrance complying with 206.4.

208.3 Location

Parking facilities, including public and pay parking, that do not serve a particular building or facility, must have accessible parking on the **shortest accessible route to an accessible pedestrian entrance** of the parking facility.



208.3.1 Location

Where parking spaces serve more than one accessible entrance, the spaces must be **dispersed** and located on the shortest accessible route to the accessible entrance.



Example: Office complex or mall parking

208.3 Location - Exception 1

All van parking spaces are permitted to be grouped on one level within a multi-story parking facility.



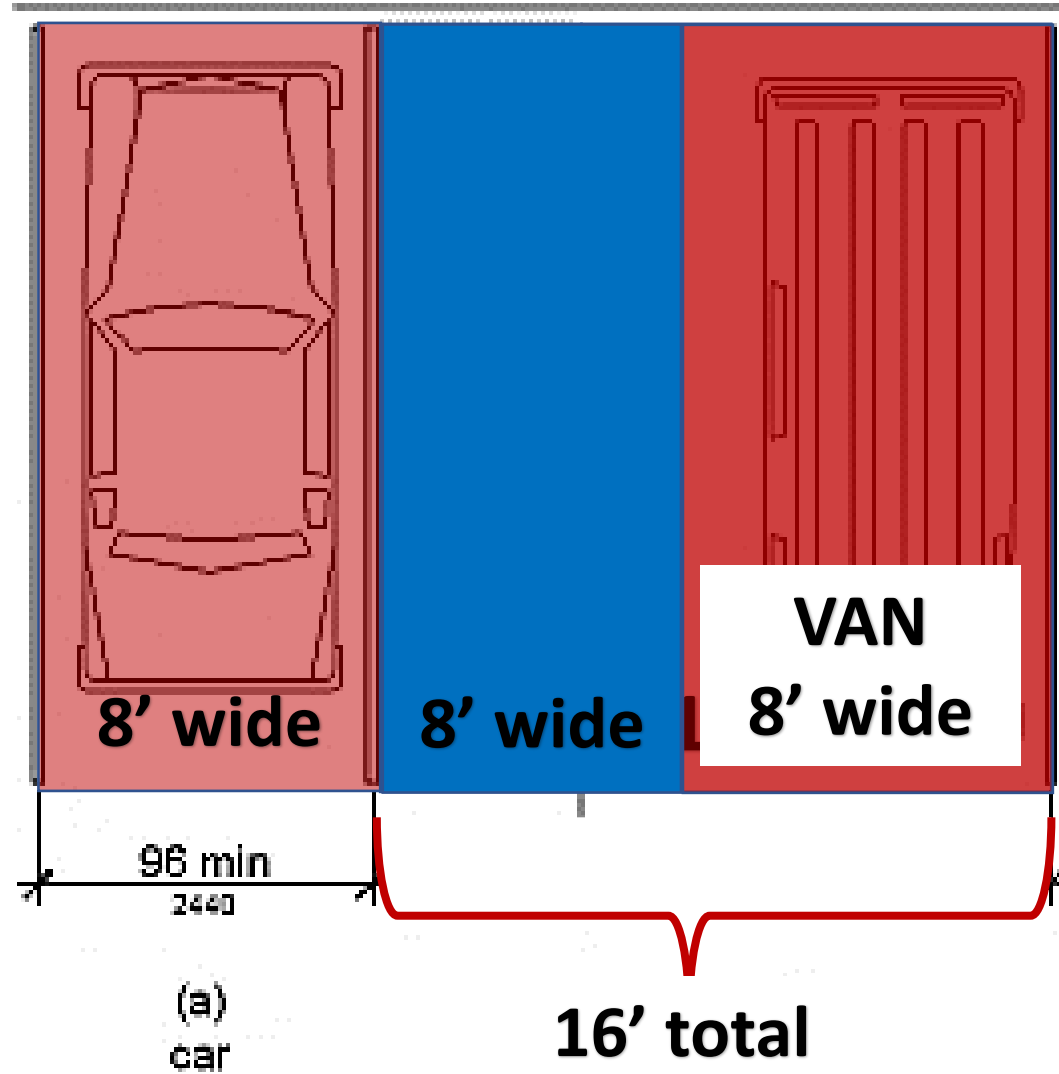
208.3 Location - Exception 2

Parking spaces shall be permitted to be located in different parking facilities if **substantially** equivalent or greater accessibility is provided in terms of:

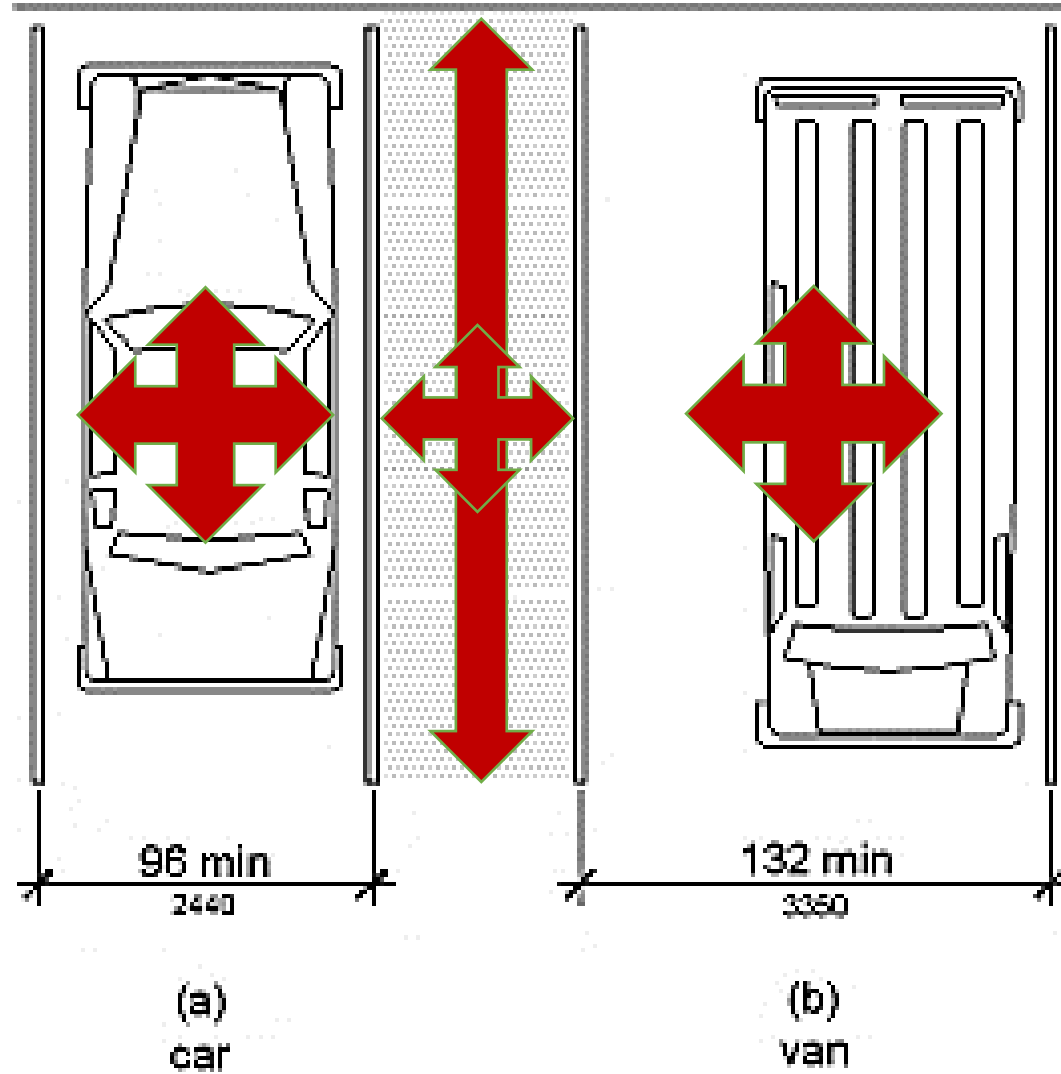
- distance from an accessible entrance
- parking fee
- user convenience



502.2 Vehicular Spaces



502.2 Vehicular Spaces



502.3.4 Location

- Access aisles shall be **at the same level** as the parking space.
- Access aisles **cannot** overlap the vehicular way.



502.3 Access Aisles

- Must connect to an accessible route.
- Must be **marked** to define the width and to discourage parking in aisle.



502.7 Relationship to Routes

Parking spaces and access aisles must be designed so that cars and vans, when parked, cannot obstruct the required clear width of adjacent accessible routes.

Wheel stops are an effective way to prevent vehicle overhangs into an accessible route.



502.5 Vertical Clearance

Parking spaces for vans, and access aisles and vehicular routes serving them, shall provide a vertical clearance of 98" minimum.



502.6 Identification

Parking space identification signs shall include the International Symbol of Accessibility.



Signs identifying van parking spaces shall contain the designation “van accessible.”

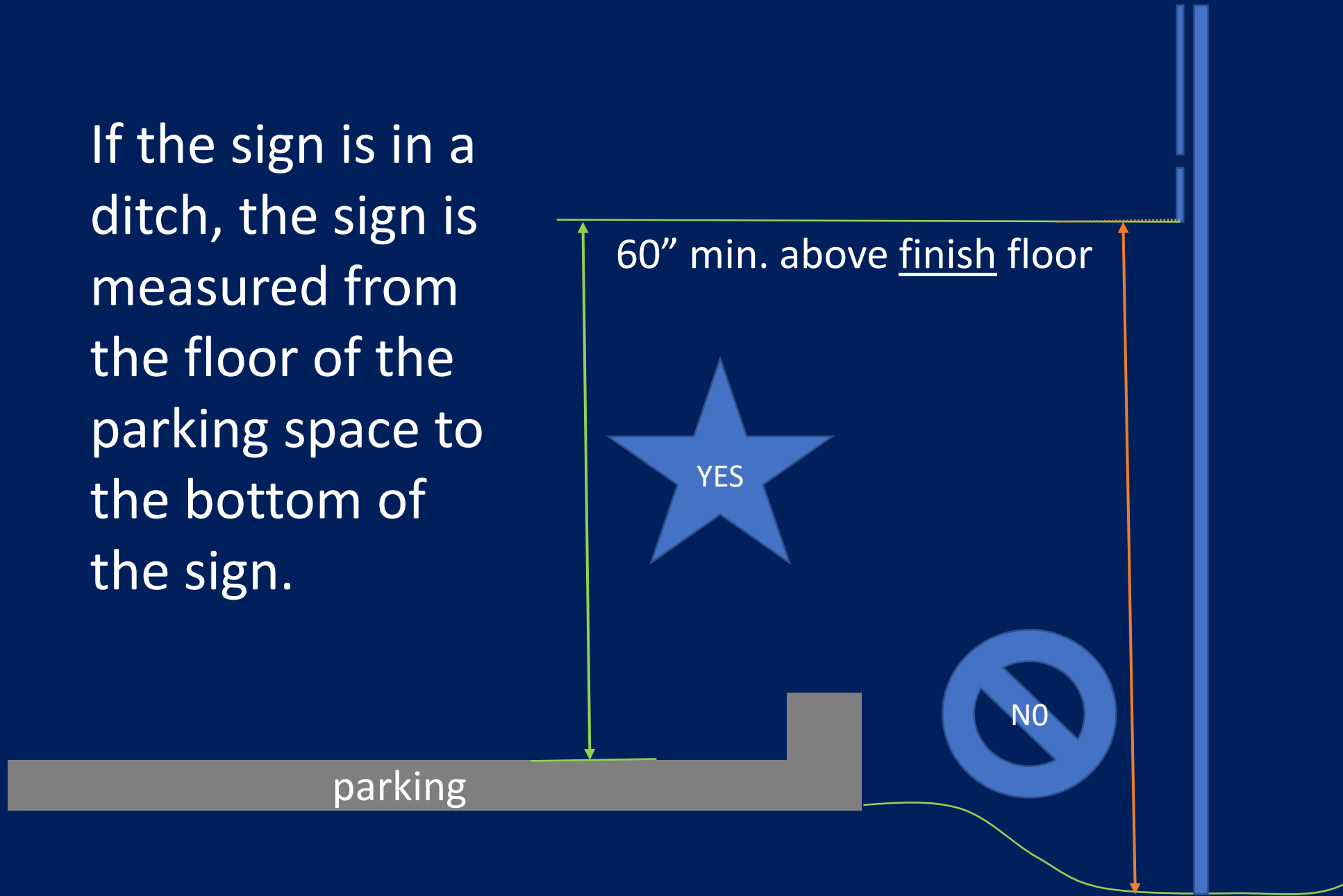
502.6 Identification

Signs shall be 60” minimum above the finish floor or ground surface measured to the bottom of the sign.



If “van accessible” is mounted below the symbol of accessibility, the sign height is measured to the bottom of “van accessible”

If the sign is in a ditch, the sign is measured from the floor of the parking space to the bottom of the sign.



216.5 Parking (Signs) Exception 1

Where a total of 4 or fewer parking spaces, including accessible parking spaces, are provided on a site, identification of accessible parking spaces is not be required.



Example:

Small drive through restaurants often only have employee parking spaces.

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Add'l Technical Requirements



Rule 68.104

Paved parking spaces must include:

1) International Symbol of Accessibility painted in contrasting color of the pavement



Rule 68.104

Paved parking spaces must include:

2) The words “NO PARKING” painted in the access aisle

- Capital Letters
- height of 12” and stroke width of minimum 2”
- centered within the aisle



Rule 68.104

Paved parking spaces must include:

3) Signage identifying consequences

- minimum statement of “Violators Subject to Fine and Towing”
- mounted on a pole, post, wall or freestanding board
- mounted no more than 8” below the signage required by TAS 502.6
- mounted so bottom edge of the sign is no lower than 48” and no higher than 80” above the ground

Questions

For information regarding the Elimination of Architectural Barriers Program, email TDLR at techinfo@tdlr.texas.gov.

Texas Department of Licensing and Regulation
Elimination of Architectural Barriers

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