

ADA Parking

Potential Approaches

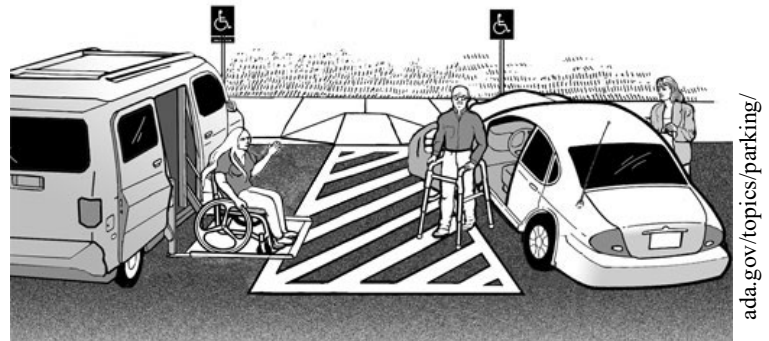


Department of
Land Conservation
& Development

This guidance is part of an overall effort to support communities tasked with implementing the Climate-Friendly and Equitable Communities (CFEC) program to reduce climate pollution, increase transportation and housing choices, and create more equitable outcomes.

Background

People with disabilities have a right to full access to, and participation in, their communities. This includes accessible and convenient transportation options, including transit, safe connections for walking and rolling, and parking for cars and vans.



The Americans with Disabilities Act (ADA) generally requires facilities and services open to the public, and publicly funded housing, to provide accessible options for people with disabilities equal to those provided to the general population. Conversely, if no program or service is provided for the general population, there is no requirement to do so for people with disabilities.

Under the ADA and Oregon state law, if no off-street parking spaces are provided for the general population, there is no national or state requirement to provide off-street parking spaces for people with disabilities.

A few cities and counties have voiced concerns about their ability to ensure adequate ADA parking is available given the parking reforms in the CFEC program. During rules development, the department hired a disability consultant and held a focus group of people with disabilities. Those people did not have concerns about CFEC's approach to ADA parking. However, some participants in the 2022 ODOT ADA survey and stakeholder advisory committee raised concerns about sufficient ADA parking. This is common in conversations about any sort of parking.

Among advocates for people with disabilities, there is no broad agreement about how many ADA parking spaces should be required. (See, for example, [this roundtable discussion](#)).

Oregon law sets a floor and a ceiling of how much accessible parking cities and counties can require ([ORS 447.233](#)). That statute includes a table of ADA parking in relation to total parking spaces provided [excerpt next page], and required the Department of Consumer and Business Services (DCBS) to integrate that table into the state building code (OSSC [1106.1](#)). This means when parking is provided, ADA parking spaces are required for most housing other than single unit, duplex, and townhome development ([OSSC 1106.3](#)).

Table of Required ADA parking from ORS 447.233:

Total Parking In Lot	Required Minimum Number of Accessible Spaces	Required Minimum Number of Van Accessible Spaces	Required Minimum Number of “Wheelchair User Only” Spaces
1 to 25	1	1	-
26 to 50	2	1	-
51 to 75	3	1	-
76 to 100	4	1	-
101 to 150	5	-	1
151 to 200	6	-	1
201 to 300	7	-	1
301 to 400	8	-	1
401 to 500	9	-	2
501 to 1,000	2% of total	-	1 in every 8 accessible spaces or portion thereof
1,001 and over	20 plus 1 for each 100 over 1,000	-	1 in every 8 accessible spaces or portion thereof

State building code has additional requirements for hospital, rehabilitation, and physical therapy facilities.

Under all these codes, the number of required ADA spaces is driven by how much parking is built, not zoning ordinance requirements.

Impact of CFEC Program

Cities and counties have not been able to require more accessible parking than prescribed in state law, even before the CFEC rules adoption. The amount of ADA parking spaces that must be provided is still based on the number of parking spaces in the parking lot. Repeal of parking mandates does not alter the applicability or enforcement of that law.

The CFEC rules explicitly exempt ADA parking from parking mandate reduction (OAR 660-012-0005(29)), thereby retaining the ability of cities and counties to require ADA parking even when other parking mandates are limited.

For developments with off-street parking, local governments *must* still require new developments to build off-street ADA parking spaces per ORS 477.233. The main impact of mandate repeals is that developments will provide ADA spaces based on the total number of parking spaces they chose to build rather than the total number they would have been forced to build.

If a development does not include an off-street parking area, the local governments *may* still require one off-street ADA parking space, and additional spaces per the ORS 477.233 table. See discussion below under ‘Potential Approaches.’

Many of the jurisdictions concerned about ADA parking have previously had areas with zero parking mandates, the same situation they now face under CFEC rules. Many local jurisdictions also allow reductions to required off-street parking. Those jurisdictions had not before indicated a major shortage of ADA parking. That said, the department is unaware of significant qualitative or quantitative data, or ongoing engagement of people with disabilities, on this question.

Lack of accessible parking is not the only mobility barrier for people with disabilities, and not the biggest obstacle for many. National data show people with disabilities tend to walk/roll and use transit more than people without disabilities, and are [two to three times](#) more likely to live in a car-free household than people without disabilities (although many of those people travel as car passengers). Oregon-specific data on this question are hard to come by.

Improved transit and an improved pedestrian network – intended outcomes of the CFEC program – will do more to improve mobility for people with a wide range of support needs. It is important to holistically work toward a fully connected and accessible network.

Potential Approaches

LCDC, DLCD, and DCBS (Building Codes Division) do not have authority to allow cities and counties to require more accessible parking spaces than in statute. Only the legislature can change laws to allow cities and counties to require more accessible parking spaces.

Disability advocates and parking management experts are not all in agreement about how much ADA parking is best practice, as parking needs are nuanced and site-specific.

DLCD recommends local governments meet their ADA Title II responsibilities by working with local disability advocates to find an approach that best works for people with mobility disabilities in your community.

There are several ways to create more available ADA spaces for people who need them, some of which fall outside implementation through development regulations:

Dedicating on-street spaces. After a [road reconfiguration safety project](#) on N. Lombard Ave, the City of Portland dedicated on-street ADA spaces on perpendicular streets to ensure access. The City also has a program to apply for a [dedicated on-street ADA space](#).

While this can work for certain ADA users, and diagonal parking spaces work for most users, parallel parking spaces have limited utility for van-dependent ADA users (given the need for ramps), and convenient ADA-compliant access to the sidewalk is critical. Given the pending adoption of standards in the Pedestrian Right of Way Accessibility Guidelines (PROWAG) for on-street ADA parking, ODOT is continuing to explore this issue for ODOT-owned roadways and adjacent locally-owned roads and spaces.

Voluntarily dedicating spaces in parking lots. Cities can dedicate ADA spaces in public parking lots, or pay or request private lot owners to dedicate spaces for ADA users.

Sharing information about demand with builders. As [demographics shift](#), cities can publicize the ongoing shortage of accessible and visitable housing and infrastructure to meet demand.

Local builders may find it profitable to provide ADA-compliant facilities even if not required to by law. In redoing its Green Lot near the state capitol, the State of Oregon is providing 43 ADA spaces out of 307 total spaces, when only eight are required.

Enforcing against wrongful use of existing ADA spaces. Some of the concerns reported to ODOT’s accessibility team are about existing ADA spaces being misused. Local communities can increase enforcement to ensure ADA spaces are free for those allowed to use them. Portland has launched a [volunteer ADA parking enforcement and education program](#).

Requiring one ADA off-street parking space in certain circumstances, where no other parking is required. The department and the building codes division believe this is consistent with state statute and rules. As the parking table in ORS 447.233 is silent on zero parking spaces, and the rules in OAR 660-012-0005 specifically exempt ADA parking from parking reforms, the department believes the statute allows local governments to require one ADA off-street parking space, and additional spaces in line with the statutory table.

Should a community decide to take this approach, the department recommends focusing larger developments, in certain areas, and having a fee-in-lieu option so parking could be provided adjacent to, or near, the site. Existing buildings with zero off-street parking should also be given an exemption for remodels or changes of use.

Some specific approaches:

- The City of Bend is requiring one ADA space in larger commercial developments on lots of 20,000 square feet or more outside its downtown and Central District.¹
- One possibility is requiring an ADA parking space when a developer is already providing a curb-cut and off-street loading zone. This reduces the cost of providing an ADA space.
- In areas with no required off-street parking, the City of Austin, TX requires uses of 6,000 square feet or greater to provide ADA spaces equal to at least 20% of the parking spaces required for that use in areas where off-street parking is required. The spaces can be provided off-street, on-street within 250 feet of the site, or mitigated by payment of a fee in lieu to a city program to construct and maintain nearby ADA parking. The City may revisit and remove this requirement later this year, as it has not proved effective.
- The City of Minneapolis, MN requires new residential developments of four or more units that have no off-street parking to include a labeled drop-off and pick-up parking space, with an accessible route to the building. Focusing on the loading function allows more flexible design requirements. The provision does not require a curb cut should one

¹ Bend Development Code in Chapter 3.3 “If parking is not otherwise provided on-site, all developments subject to Site Plan Review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, must provide a minimum of one van-accessible parking stall on-site except as follows:

- a. Developments in the Central Business (CBD) District.
- b. Developments in the Bend Central District. See BDC 2.7.3200, Bend Central District (BCD).
- c. Developments on lots or parcels smaller than 10,000 20,000 square feet.

not otherwise be provided. ([Code 530.155](#)) Five such proposed developments have requested alternative compliance to this provision, so it may not be a functional approach.

Informing landlords of their responsibilities to provide reasonable accommodation under the Fair Housing Act, and tenants of their rights to request them. The Fair Housing Act right to reasonable accommodations usually includes the ability to request a designated ADA parking space if parking spaces are provided to tenants. While this puts burden on the person with disabilities, it more precisely fits the supply to the location-specific demand, and side-steps the statutory limits.

Changing state statute. Some other states set a floor for how many ADA parking spaces local governments must require, but not a ceiling. This allowed the City of Anchorage, Alaska to set higher ADA parking space requirements when they eliminated other parking mandates [citywide](#).

Pay Close Attention to Design

Communities should consider the [design requirements](#) for ADA van parking in street and sidewalk design. People with disabilities should be engaged when designing changes to existing parking layouts, allocations or streetscapes.

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This document draws on research by Catie Gould at Sightline Institute. We are grateful for her work. Read the [Sightline research here](#).

Disclaimer

This document aims to provide more details about the CFEC program, and how the department intends to administer the program. Nothing in this document should be construed as Oregon Administrative Rules. A current copy of the adopted rules should be acquired from the [Oregon Secretary of State](#) and used to fulfill planning requirements.