



SDOT POLICY MEMORANDUM

Date: June 12, 2019
To: Sam Zimbabwe, SDOT Director
From: SDOT ADA Committee
Subject: SDOT Policy for Designated Disabled Parking in the Right-of-Way

Statement of Intent

To establish a policy that memorializes the Seattle Department of Transportation's (SDOT's) approach to installing on-street designated disabled parking spaces in Seattle. Policies are divided into the residential request program and a commercial area program. This policy applies within the public right-of-way (ROW) and within the jurisdiction of the City of Seattle.

Background

SDOT's Historic Approach (pre-2018)

- Residential request areas: SDOT has traditionally installed designated disabled spaces fronting residential properties at the request of an adjacent resident who has a valid Washington State-issued disabled permit. To date, SDOT has installed over 1,800 residential disabled spaces through this program. SDOT works directly with the requestor and their unique needs (including lack of a feasible off-street option), but spaces may not necessarily meet all accessibility guidelines regarding recommended grade of roadway and preferred proximity to existing curb ramps at the end of the block face. Spaces are not dedicated to any specific user and (like other parking spaces in the ROW) are subject to temporary or permanent removals or relocation.
- Commercial areas: Unlike most dedicated spaces in residential areas, on-street parking spaces in commercial areas typically serve multiple businesses and attractions. In addition, under Washington State law disabled permit holders can park in excess of posted time limits and without payment. Historically, SDOT has only installed on-street designated spaces to serve a specific business if: 1) the business indicates it serves a significant number of patrons with disabilities; and 2) the business does not have adequate off-street parking.

State and Local Laws

Washington is one of a minority of states that requires the provision of free on-street parking for persons with disabled license plates or placards (RCW 46.61.582). While parking with a valid disability permit is allowed beyond posted time limits, State and City law allow the designation of a four-hour limitation for disabled permit holders if the time limit is clearly signed (RCW 46.19.050 and SMC 11.23.380).





Federal Requirements

Neither the Americans with Disabilities Act (ADA) nor Section 504 (of the Rehabilitation Act of 1973) contain mandates for on-street designated disabled parking. There are also no adopted federal requirements or technical design details for accessible parking spaces within the public right-of-way. Though not formally adopted, currently acknowledged best design practice and supplemental advisories are published in the July 26, 2011 *Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)*.

Even with the lack of adopted standards, Courts have recently clarified that if cities have active on-street parking programs that these programs must include accessible parking (*Fortyne v. City of Lomita*, 766 F.3d 1098 (9th Cir. 2014)). The Federal Highways Administration (FHWA), the enforcement agency of the ADA in the public right-of-way for state and local agencies, has provided guidance to the City of Seattle and other cities to look towards PROWAG to include accessible parking in on-street areas where parking is marked or metered.

Though the *Fortyne* case only recently clarified the application of the ADA to on-street parking, SDOT has been creating on-street designated spaces on request by residents with disabilities since at least 1975. This document refines the policies for resident request areas. It also establishes new policies guiding the installation of designated disabled spaces in commercial and mixed-use areas, as well as responding to requests from churches, parks, schools, and other similar requestors.

Note: Referenced guidelines, standards, and guidance for these issues are available and outlined in an accompanying Technical Memorandum.

Policy for On-street Designated Disabled Spaces in Seattle

On-street designated disabled parking spaces in the Seattle public right-of-way, whether located in residential or commercial areas, shall be provided with considerations to the following criteria:

Residential-request areas

An area is defined as a “residential request area” if the existing land use is a single-family or multi-family building, including the first floor of the building. This does not include live-work or other multi-use buildings where the lower story of the building is non-residential. The existing on-street parking regulation must not have general time limits or paid parking but may include areas within Restricted Parking Zones (RPZs). Within these areas the requirements for siting a new space within the public right-of-way are:

- Requestor has a valid Washington State-issued disabled permit (temporary permits excluded)
- Requestor is a full-time resident of the address where requested
- Requestor is the property owner or has written permission of the property owner to install the space
- Off-street parking is unavailable, or where available is not physically accessible to the requestor with a disabled permit
- There is no existing residential designated space within 100 feet of the applicant’s street property frontage on the same side of the street as requested.
- Requested location is on a street with 5% slope or less AND the requested space is adjacent to an existing curb ramp, or a driveway that substantially complies with curb ramp design requirements. **EXCEPTION** – for applicants meeting other criteria above, SDOT will install a





space in other locations if the requestor returns signed acknowledgment that the space does not fully comply with accessibility recommendations for a parking space within the ROW.

Commercial and mixed-use areas, including requests from entities such as libraries, churches, and schools (“institutions”)

Commercial and mixed-use areas are those with ground-level non-residential land uses. Unlike residential-request areas, these spaces may serve a broader mix of users with a diverse mix of abilities. In these cases, it is SDOT’s priority that designated disabled spaces substantially comply with accessibility guidelines included in PROWAG.

SDOT is working proactively to install new designated disabled spaces in metered and marked areas citywide where individual parking spaces: 1) require meter (pay station or pay by phone) payment; or 2) are delineated by stall lines marking individual spaces. Spaces under (2) are generally found in areas with head-in or angle parking. Consistent with PROWAG guidelines, SDOT will generally install sufficient designated disabled spaces per “block perimeter” with marked or metered parking, at the ratio identified in PROWAG.

If, in addition to the proactive work describe above, SDOT receives a request for designated disabled parking from a business or institution, it will respond as follows:

- **If the block has marked or metered parking and no existing designated disabled parking**, SDOT will work to install a new designated disabled space on the block that follows SDOT’s standards for a new space and is consistent with the PROWAG guidelines on number of designated disabled spaces per block perimeter. If no suitable location is found on the block perimeter, SDOT will review adjacent blocks to locate a space.
- **If the block has marked or metered parking and existing designated disabled parking**, SDOT will only add an additional designated disabled space if the ratio of designated disabled spaces per total spaces on the block perimeter is below the PROWAG guidelines. If the request is to relocate an existing designated disabled space, SDOT will only relocate to an alternative location that improves compliance with PROWAG accessibility recommendations (i.e., relocate a space to be adjacent to a curb ramp, but not to a location further from a curb ramp than the existing space.)
- **If the block does not have marked or metered parking**, SDOT will generally only install a space on request if the business serves primarily individuals with disabilities and they do not have access to off-street accessible parking. All other requests will be evaluated on a case-by-case basis to determine if adding a designated disabled space significantly improves area access. In some cases, SDOT may instead recommend installing designated passenger loading areas to provide sufficient accessible loading for disabled individuals.

If designated disabled spaces are installed on non-residential blockfaces with time limits of four hours or less, the designated disabled space will be signed with 4-hour time limits that are in effect during the same days/hours as other parking regulations on the block.

In no cases shall a space in the ROW be a substitute for a space that is required to be provided off-street.

