

CITY of OAKLAND
DEPARTMENT of TRANSPORTATION

Subject: **Accessible On-Street Parking Policy**
Effective Date: October 12, 2017
Supersedes: On-Street Disabled Parking Zone Policy (July 1, 2009)
Reference: U.S. Access Board Public Right of Way Accessibility
Guidelines (2011)
Caltrans Design Information Bulletin #82-05 and the Caltrans
Highway Design Manual
Responsible Divisions: Parking and Mobility Management
ADA Programs

I. Purpose

This policy sets out Department of Transportation (DOT) policies, practices and procedures for on-street accessible, or disabled, parking compliance and management. The policy is a necessary part of the Department's access compliance program pursuant to Administrative Instruction #123, the City Access Policy.

II. Responsible Parties

The Parking and Mobility Division Manager is responsible to administer this policy and the on-call residential and non-residential disabled parking zone programs, to manage the City's on-street parking inventory in conformance with the applicable federal, state and local accessibility laws and regulations, and to help ensure that all public right of way improvement projects initiated or permitted by the City conform to this policy.

The City ADA Coordinator in the ADA Programs Division is responsible to develop this policy, to review appeals by on-call disabled parking zone program applicants and other qualified people with disabilities about decisions made by the Parking and Mobility Division under this policy, and to help ensure that all public right of way improvement projects initiated or denied by the City conform to this policy.

Please direct all questions regarding this policy and its administration to:

Division Manager
Parking and Mobility Division
Department of Transportation
250 Frank H. Ogawa Plaza, Suite 1333
Oakland, CA 94612
(510) 238-7670 (Voice)
(510) 238-2007 (TTY)

III. Background

The City has the authority to regulate on-street residential parking pursuant to California Vehicle Code Chapter 9 of Division 11 and Oakland Municipal Code Chapter 10.28 covering Stopping, Standing and Parking.

The Americans with Disabilities Act of 1990 (ADA) as amended prohibits discrimination on the basis of disability by public entities in its services, programs and activities. The general prohibitions against discrimination set forth in 28 CFR, Part 35.130(a) states: “No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.” Further, 28CFR Part 35.130(b)(1)(iii) states: “A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability, provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.” Since the City makes on-street parking facilities available to the public, it should make the same or equivalent facilities available to people with disabilities.¹

Current federal ADA regulations do not specifically address on-street parking facilities. Nevertheless, in 2014, the United States Court of Appeals for the Ninth Circuit affirmed a district finding that Title II of the ADA requires local governments to provide accessible on-street parking in the absence of regulatory design specifications for on-street parking facilities.² In December 2015, the City Engineer adopted a policy to adhere to the latest State of California, Department of Transportation (Caltrans) guidelines and standards when constructing or reconstructing ADA features in the public right of way under the City’s control or jurisdiction and, when Caltrans standards do not address scoping and technical requirements for making a particular right of way feature accessible under the ADA, to reference the United States Access Board’s Proposed Right of Way Accessibility Guidelines (PROWAG).³

IV. Policy

The Department of Transportation (DOT) shall ensure that all public right of way (PRoW) improvement programs under its jurisdiction or control include construction or reconstruction of on-street accessible, or disabled, parking facilities in accordance with this policy. PRoW alterations shall not decrease or have the effect of decreasing the accessibility for persons with disabilities. This policy shall extend to private entities, utility companies and others working under permit with the City.

¹ U.S. Department of Transportation, Federal Highway Administration, Office of Civil Rights letter to Californian’s for Disability Rights, September 29, 2005.

² U.S. Court of Appeals for the Ninth Circuit, Opinion No. 12-56280, D.C. No. 2:11-cv-06644-DDP-JCG, *Fortyune v. City of Lomita*, September 5, 2014.

³ Oakland Public Works, Bureau of Engineering and Construction, Technical Bulletin #2, December 2015.

The DOT shall operate additional discretionary programs under which on-street disabled parking zones may be installed upon request by qualified individuals with disabilities, by the City ADA Coordinator, and by public accommodations as defined by the ADA.

The Parking and Mobility Manager will make the final decision on the design and location of on-street accessible parking and passenger loading facilities and will balance accessibility requirements with other site specific factors. In certain cases, the Manager may implement alternative measures to ensure equal access for persons with disabilities to on-street parking, such as providing off-street accessible parking spaces in City garages and lots where available.

1. Non-Residential Areas.

A. New construction and alteration projects.

Scoping. Where on-street parking is provided on the block perimeter and the parking is marked or metered, accessible (disabled) parking spaces shall be provided in accordance with the table below, pursuant to PROWAG §214.

Where parking on part of the block perimeter is altered, the minimum number of accessible parking spaces required is based on the total number of marked or metered parking spaces on the block perimeter. Metered parking includes parking metered by parking pay stations. Where parking pay stations are provided and the parking is not marked, each 6.1 m (20.0 ft.) of block perimeter where parking is permitted shall be counted as one parking space.

On-Street Accessible Parking Spaces	
Total Number of Marked or Metered Parking Spaces on the Block Perimeter	Minimum Required Number of 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 and over	4% of total

Passenger Loading Zones. Where passenger loading zones other than transit stops are provided, at least one accessible passenger loading zone shall be provided for each 30 m (100.0 ft.) of continuous loading zone space or fraction thereof, pursuant to PROWAG §215.

Location and configuration.

The public right-of-way (PRoW) under the City’s jurisdiction or control is typically constrained by existing development, underground and above ground utilities, mature trees, narrow sidewalks, and existing curb-to-curb widths severely limiting the ability to provide mid-block accessible parking and passenger loading zones in accordance with adopted accessibility standards. Most PRoW improvement projects will be considered as alterations and fall under the following PROWG standards:

R309.2.1.1 Alterations. In alterations where the street or sidewalk adjacent to the parking spaces is not altered, an access aisle shall not be required provided the parking spaces are located at the end of the block face.

R309.2.2 Narrow Sidewalks. An access aisle is not required where the width of the adjacent sidewalk or the available right-of-way is less than or equal to 4.3 m (14.0 ft.). When an access aisle is not provided, the parking spaces shall be located at the end of the block face.

The typical on-street accessible parking and passenger loading zone in Oakland is a parallel parking space located at the end of the block face, adjacent to a compliant crosswalk curb ramp.

End of block spaces should be made usable by vans that have rear lifts and cars that have scooter platforms. The sidewalk adjacent to accessible parallel parking and passenger loading zones should be free of signs, street furniture, and other obstructions to permit deployment of a van side-lift or ramp or the vehicle occupant to transfer to a wheelchair or scooter.

The project shall strive for maximum geographic distribution of accessible parking and passenger loading facilities. A best practice is to collocate accessible on-street parking and passenger loading facilities with public accommodations frequented by older adults and people with disabilities. Another best practice is to time limit standing and or to prohibit parking (unattended) vehicles in accessible passenger loading zones.

B. Existing non-residential streets and sidewalks. Qualified people with disabilities and representatives of places of public accommodations (businesses, medical facilities, places of worship, etc.) may request installation of on-street disabled parking zones (DPZ) on non-residential streets. Non-residential DPZ (NR-DPZ) will be established where a demonstrated need for such space is shown. The following criteria will be considered in determining whether a demonstrated need is shown:

1. Off-street parking is unavailable or where available is not accessible to persons with disabilities, as required by State and/or Federal laws.
2. Parking in the proposed location and on surrounding city streets is frequently not available requiring persons with disabilities to park an unreasonable distance (approximately 250 feet) from the business or requiring usage of routes that are not accessible to persons with disabilities as required by State and/or Federal laws.
3. NR-DPZ shall conform to all applicable standards. The surface of proposed on-street accessible parking locations including access aisles should not exceed a 5% slope (1:20) in any direction, and no other hazardous surface condition should exist in the immediate area.
4. Establishment of new NR-DPZ should not result in the net loss of existing metered parking spaces.
5. There is no existing NR-DPZ in the same block within 150 feet of the applicant's address in any direction.

2. City Buildings and Facilities

A. New Construction or Alteration Projects. For City of Oakland buildings and facilities with right-of-way frontage(s), at least one on-street disabled parking zone (DPZ) shall be installed under new construction or alteration projects.

Exception: Buildings and facilities that provide compliant off-street accessible parking for the public are exempt from this requirement.

B. Existing Buildings and Facilities. The City ADA Coordinator may request installation of on-street DPZ at existing City buildings and facilities as required to fulfill state or federal mandates, or to resolve disability access complaints.

3. Residential Areas

Qualified people with disabilities may request installation of on-street residential disabled parking zones (RDPZ). The RDPZ Applicant must meet all the following requirements:

1. Have a disability as defined by the Americans with Disabilities Act of 1990 that prevents him or her from walking long distances and be in possession of a Disabled Person License Plate or a permanent Disabled Person Placard ID Card, with adequate ID, as required by the California Vehicle Code Section 5007, 22511.55 or 22511.59.
2. Be a full-time resident of the address in question. The Applicant shall provide two forms of proof of residency including 1) a rental agreement or homeowner's insurance agreement and 2) one other form of proof, i.e. utility bill or driver's license.

3. Be the property owner or have the written permission of the property owner to install the RDPZ.
4. Provide a vehicle registration in his/her own name or provide vehicle registration of his/her primary live-in caretaker who resides full-time at the Applicant's address. Vehicle registration address must match the proposed RDPZ address.
5. Off-street parking (driveway, garage and/or parking lot) is unavailable or where available, such parking is not accessible to persons with disabilities, as further described below:

A. Garage Specifications:

- a. If the Applicant owns a lift-equipped van, the Applicant either has no garage or the garage width is less than 17 feet (interior width).
- b. If the Applicant owns a passenger vehicle, the Applicant either has no garage or the garage width is less than 14 feet (interior width).

B. Driveway Specifications:

- a. If the Applicant owns a lift-equipped van the Applicant either has no driveway or the driveway width is less than 17 feet, and/or the slope of the driveway is greater than 5% (1:20).
 - b. If the Applicant owns a passenger vehicle, either the Applicant has no driveway or the driveway width less than 14 feet, and/or the slope of the driveway is greater than 5% (1:20).
6. There is no existing RDPZ in the same block within 150 feet of the applicant's address, in any direction.
 7. The surface of accessible parking spaces on streets and access aisles from street parking does not exceed a 5% slope (1:20) in any direction and no other hazardous surface condition exists in the immediate area, such as a speed bump.
 8. The Applicant's residence is adjacent to a compliant corner curb ramp or the applicant's driveway substantially complies with Caltrans curb ramp standards.

Exception: If a compliant corner curb ramp does not exist or if the Applicant's driveway does not substantially comply with current Caltrans standards, a RDPZ may still be installed if the Applicant meets all other eligibility requirements and signs a statement of understanding that the RDPZ does not fully comply with accessibility regulations. The City will not install corner curb ramps, and will not permit or install mid-block curb ramps, for the purposes of installing RDPZ.

If the RDPZ Applicant meets all the criteria, the following requirements must be met and conditions agreed to before implementation:

1. The Applicant is under duty to inform the City if the RDPZ is no longer required and the City has the option of removing such RDPZ.

2. The Applicant must observe and obey all parking regulations covered in the Oakland Municipal Code Chapter 10.28. A copy of the O.M.C. is available for review at the Office of the City Clerk, One Frank H. Ogawa Plaza, Oakland, California, 94612 or online at www.oaklandnet.com
3. A disabled parking space shall not be misused. Any misuse shall result in the removal of the space. Misuse shall be determined by the Transportation Services Manager, in his or her discretion. In ascertaining whether a disabled space has been misused, the Manager shall consider the following factors:
 - a. the extent of the Applicant's disability;
 - b. the length of time in which the Applicant has left the vehicle in the space without operating it;
 - c. misuse of the Applicant's disabled placard or license plates;
 - d. any violation by the Applicant of O.M.C. Chapter 10.28, applicable sections of the California Vehicle Code (CVC) or this policy;
 - e. any other factors the Transportation Services Manager deems reasonable and relevant to the issue.
4. The disabled parking space is not a private space and may be used by other vehicles licensed to park in a disabled parking zone on a first-come first-served basis.
5. The authority to enforce parking laws are the responsibility of the Oakland Police Department and the Parking Enforcement Division; complaints received regarding illegally parked vehicles are always taken in the order in which they are called in and prioritized based on the level of service required.
6. The space shall not to be used for long-term storage of vehicles. The vehicle must be kept in good repair and shall be operational, as outlined in the California Vehicle Code. For this policy, long-term storage of vehicles is defined as any vehicle parked or left standing on a public street in the same location and not driven or moved more than fourteen consecutive calendar days.

If the RDPZ Applicant disagrees with any decision made by the Parking and Mobility Manager, then the Applicant shall have the right to appeal to the City ADA Coordinator.

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10-5-17

Date