

**ADA Subsection 208.2: A Policy Analysis**  
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**Abstract**

The Americans with Disabilities Act, or the ADA, is a piece of legislation that benefits many individuals and provides protection from discrimination. This piece discusses a subsection of the ADA, 208.2, which covers the minimum amount of accessible parking spots that parking facilities are required to have. Having available accessible parking spots are a crucial to many living in the United States who have a mobility-related condition. Without access to appropriate parking, many individuals and their families are not able to access the same amenities others can. By adjusting the current law, more individuals may be able to access things others can on a daily basis. This analysis tells a short history of the ADA, strengths, and weaknesses of ADA subsection 208.2, and includes two policy proposals to increase the minimum amount of accessible parking spaces in parking facilities by adjusting the current parking spot bracket. One of the proposals includes adjusting the current bracket by calculating the number of accessible spots as a percentage of the total parking spaces in a facility. The second proposal includes adjusting the number of accessible spaces by one.

*Keywords:* ADA, accessible parking, minimums, policy proposal

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### **ADA Subsection 208.2: A Policy Analysis**

Parking is not something people typically think about unless they cannot find their own spot at a sporting event, concert, or any other event they are attending. It is frustrating when you know you should have a spot, but you just cannot find one. Then the stress of having to park far away comes to mind. To most people, this is not a frequent occurrence. We do not tend to think about those who use those handy-dandy reserved blue spots that we all want to use.

Unfortunately, those issues, faced by some a few times a year, are faced daily by others.

Accessible parking is required by law in almost every parking lot across the country. Fortunately, the Americans with Disabilities Act, also known as the ADA, is a great piece of civil rights law for those with disabilities.

The ADA is comprised of five main sections named Title I, Title II, Title III, Title IV, and Title V. This is a federal policy, but guidelines may be adjusted by each state and local government. This policy analysis discusses a subsection that falls into Title II and Title III, which are about public services and public accommodations (ADA National Network, 2020). More specifically, it will discuss subsection 208.2 which examines the minimum number of accessible parking spaces.

In the United States, 26% of adults have some type of disability and 13.7% have a disability related to mobility (CDC, 2019). This means about 45 million Americans may have difficulty moving around. Whether an individual is in a wheelchair or has any other physical disabilities, having an accessible parking spot may be essential for their day-to-day functioning. For some, it is more difficult to walk longer distances through a parking lot, or they need physical room to be able to leave their vehicle. A lack of accessible parking spaces makes it that much harder for some people to accomplish basic tasks.

Since the ADA is such a large policy, this analysis will focus on subsection 208.2. The ADA protects any individual with a disability whether the disability is visible or not. However, this subsection is specifically about the minimum number of accessible parking spots in a “parking facility”. It is important to know “the term ‘parking facility’ is used instead of the term ‘parking lot’ so it is clear that both parking lots and parking structures are required to comply with this section” (Department of Justice, 2010).

So, who is eligible? This policy was created for those who use their own transportation like an automobile or motorcycle. However, to be allowed to park in an accessible spot, you are required to have a disabled parking placard (permanent or temporary) or disability license plate. Each state has different requirements to be eligible for a placard. In Illinois, the form for placards asks whether the individual cannot “walk 200 feet without stopping to rest” because of a condition (Cyber Drive Illinois, n.d.). The benefits of this are the creation of accessible parking spaces to those who need it. There are many different regulations on the size of the space, distance to an entryway, and markings. These benefits are delivered by the state sending individuals an accessible parking placard and by parking spaces being available at different parking facilities. This is funded federally; however, each state and local government may create any necessary adjustments.

### **Strengths**

Having accessible parking is very important in terms of equity and equality. Having equality ensures all individuals get to have the same thing. The Tennessee Department of Health writes “with equality, all individuals are able to join and participate in all aspects of life”. (Tennessee Department of Health, n.d.). With accessible parking, everyone gets to have their

own spot. For example, having accessible parking enables all people to be able to have access to any building or event. The Accessible Parking Coalition argues having these accessible spots also help business. They write having more accessible spots enables more customers to visit stores and purchase items. Without this, “people may not have access without proper parking” (APC, 2019). Having accessible parking is also important for the equity of people. If everyone has a spot, that does not mean they are all on a level playing field. Accessible parking enables individuals with disabilities to properly access different stores, restaurants, or events. Having an adequate number of accessible spots is also an important part of this policy. Although there is a belief that this policy can be improved, the law already requires a minimum number of accessible spots, which may vary state to state. Without having a minimum, businesses would be able to leave out accessible; therefore, access to stores would not be equal to all.

### **Weaknesses**

Even though this policy has very good intentions, in some places around the country, maintaining accessible parking has been difficult. Unfortunately, the city of Denver is an example of poor maintenance. Denver Auditor Timothy M. O’Brien was responsible for evaluating multiple city operations, and in 2016, and he wrote about the Disability Parking Enforcement Program in Denver. Even though policy is written and created for cities to follow, in this report, O’Brien writes how it has been poorly enforced. He writes the “audit found that 65 percent of the 20-surface parking lots we reviewed are not fully compliant with the standards for accessible parking spaces as established” by the ADA (O’Brien, 2016). With poor enforcement of the policy, many individuals are not able to access services in their communities thus creating an unequal balance of equity.

There are many issues with accessible parking policy including poor enforcement, lack of adequate space for those who use vans with van accessible parking, poor space placement, and even the idea of physicians handing out too many placards too easily (APC, 2019). Hopefully increasing the minimum number of accessible spots may help a little to let more people access different spots.

Having a set minimum number of accessible spaces also means some businesses will only require minimums. According to subsection 208.2, in a parking lot up of to 25 spaces, only one space is required to be accessible. It is good there is a minimum, but what happens when more than one person needs to access that space? It would not be fair to prioritize one disability over another. Having a set minimum can reduce the number of individuals who can access something. If adequate parking is not available for individual, they are then not able to access the resource (store, restaurant, or events), they want. This throws off the equality of everyone being able to participate. Even if there are other spots open, some individuals with disabilities may not be able to use that spot for different reasons. There may not be adequate space for them to exit their own vehicle, they may not be able to walk such a long distance, or they could have any one of several conditions making mobility difficult.

### **Alternate Approaches**

Subsection 208.2 has a set minimum for different brackets of number of parking spaces. To start off, it is great there is a set minimum. This way, at least one person is guaranteed access. However, that in itself is a problem. Only one individual may be able to use that spot. I have created two different approaches of varying degrees that may help this problem.

One new proposal could be to look at this bracket (Table 1) already created by the ADA and change the number of minimum required spaces using the highest number in each bracket.

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

Table 1  
(Department of Justice, 2010)

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	8% of 25 = 2
26 to 50	8% of 50 = 4
51 to 75	8% of 75 = 6
76 to 100	8% of 100 = 8
101 to 150	8% of 150 = 12
151 to 200	7% of 200 = 14
201 to 300	7% of 300 = 21
301 to 400	21
401 to 500	21
501 to 1000	21
1001 and over	3% of total (round down if not a whole number)

Table 2: Percentage Idea

In this proposal shown on table 2, there should be a standard set to a minimum of two spots in the bracket of 1 to 25 spaces, this is why 8% was selected to be the percentage to start with. When looking at the first row of spaces, 8% of 25 came out to be 2 spots. For this proposal, this “8% rule” was continually applied up until the 150 spot mark. Comparing the 5<sup>th</sup> number bracket in Table 2 to Table 1, there was a large difference in the number of spots. Table 1 had a minimum of 5 spots, while Table 2 had 12. The percentage was then lowered until reaching the 301-400, as 21 seemed like such a large number compared to the ADA minimum. Then 1%

higher was placed for the remainder of the bracket to make sure that the minimum for 1001+ had more spots than 501 to 1000. Although a percent may be a good idea to calculate an adequate number of accessible spots, there needs to be research done to see how many accessible spaces are actually used on an average day at different sites, as well as at special events. Some of the percentages may be too high and some spaces may never be used, which may seem like a waste of space at some point. Although the idea is to give everyone an equal opportunity, realistically at some point, there may be a number of unused spaces

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	2
26 to 50	3
51 to 75	4
76 to 100	5
101 to 150	6
151 to 200	7
201 to 300	8
301 to 400	9
401 to 500	10
501 to 1000	3% of total
1001 and over	30, plus 1 for each 100

Table 3: One Up Idea

This second proposal may be simpler one. Here the numbers from Table 1 are taken and the minimum number of accessible spaces is increased by one in each bracket. Having a singular spot seems low as there is always a chance that more than one individual may need an accessible spot. This proposal may seem more realistic as the changes are not as drastic as the first proposal. It is hard however to decide the numbers when there are less than 25 spaces. For example, if there are only 10 parking spaces, having 2 accessible spaces may seem like a lot, as one accessible spot uses the same amount of 2 regular spots. So in this example, it would seem that you would go from 10 spaces to 6.

With both proposals, this may increase the amount of equity. As stated before, making sure everyone has a spot may put everyone on a level playing field, but in reality, we are not all at the same level. Some individuals just need a little more help so they have an equal opportunity to access different services. Having an adequate amount of spaces ensures all people have that same opportunity. If the required minimum is set too low, some will not be able to participate in normal day-to-day activities like everyone else.

## **Conclusion**

Making sure subsection 208.2 is followed is a necessity to achieve equity and equality for those with compromised mobility abilities. When individuals are not given the opportunity to access to businesses and other services due to lack of parking, this creates a large gap in equality. Enforcing 208.2 enhances the equity of people as they get the assistance they need to have the same opportunities of all people. Inconsistencies and poor enforcement contribute to these obstacles that many people face. Looking at the ADA as a whole is a daunting task. There are so many moving pieces to it that it is almost impossible to make one change without taking look at another part of the policy. Just looking at subsection 208.2 was difficult as there are so many factors that play into accessible parking. Some accessible spots have spots striped off on both sides of the vehicle, while other spots only have one side striped off. There are instances where the width of the space matters so individuals are able to exit out of their van in van accessible spots.

Putting all logistics aside, it is important for us to know that raising the required minimum is important. This gives more individuals the opportunity to do more in their life. Simply put, everyone has the right to be able to visit the mall or go to the park. Sometimes,



parking spaces may be full and access to a place or event should not be denied because it is physically impossible for a person to enter. But if something is available and ability is the only barrier, these daily activities seem more like a privilege than a right.

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