

  Audit Trail [EST]	Username	Event	Comment
Nov 13 2023 05:29:41PM	Global Relay Archive	 Imported	Message #5618911: Received from Mail Server

Subject : RE: ADA Question - Storm Drain

From : "Mick, Bryan K" <Bryan.Mick@doh.hawaii.gov>

Date : 3 months ago Mon, 13 Nov 2023 17:28:27 -0500

To : Craig Walsh <craig@hmdp.com>

Cc : Marjorie Walsh <marjorie@hmdp.com>

Attachments : [image004.jpg](#) (1.5MB)
[image005.jpg](#) (1.5MB)
[image006.jpg](#) (1.7MB)
[image007.gif](#) (30KB)
[image008.jpg](#) (1.4MB)
[image009.jpg](#) (1002KB)

Aloha,

The ADA does not require a specific type of marking on the accessible route, although I have seen places that clearly mark it or in some cases paint it a unique color (Ala Moana shopping center uses solid red paint in some parts of their parking lot). I agree people may choose to not take the more circuitous route, however that is the accessible route and the route that all pedestrians should be taking. That dropped curb with the magenta line would appear to me to be for official mail and emergency vehicles, and not for pedestrians as any pedestrian using it would end up in the travel path of vehicles while not in a marked crosswalk. It would be difficult to make an entire parking lot accessible, for one thing that would mean you could virtually no elevation change anywhere in the lot.

Here is a good resource about accessible routes. <https://www.accessibility.com/blog/accessible-routes-under-the-ada-a-starter-guide#:~:text=The%20Americans%20with%20Disabilities%20Act,as%20well%20as%20exterior%20design>

And here is the specific ADA requirement. <https://www.access-board.gov/ada/guides/chapter-4-accessible-routes/>

Thanks,

Bryan K. Mick
Coordinator, Program & Policy Development
Disability and Communication Access Board
1010 Richards Street #118
Honolulu, HI 96813
(808) 586-8131

From: Craig Walsh <craig@hmdp.com>
Sent: Monday, November 13, 2023 10:36 AM
To: Mick, Bryan K <Bryan.Mick@doh.hawaii.gov>
Cc: Marjorie Walsh <marjorie@hmdp.com>
Subject: [EXTERNAL] RE: ADA Question - Storm Drain

Aloha Bryan –

Mahalo for your quick response.

I am confused about the definition of an “accessible route.”

Here are a few photos I took at Kahala Mall this weekend to illustrate the problem.

The wheelchair ramp near American Savings Bank just goes into the parking lot – there is no marked “accessible route.” Might it not be concluded that the entire parking lot is, therefore, an “accessible route?”



The entrance/exit from Whole Foods, with its ramp, also just goes into the parking lot as a whole, without a marked “accessible route.” There is a single disabled parking space to the right in this photograph (black car

parked there). The white truck is parked in the next nearest disabled parking space. I've added a magenta line to show the shortest distance from the Whole Foods entrance/exit to the disabled parking space – and my magenta line goes right over, or nearly, the storm drain where Marjorie broke her leg. I doubt someone walking with a cane or walker will go in a “Z” shaped route to get to their car via the crosswalk. They will go the most direct route.



I can understand an “accessible route” in terms of a building – or even a park. We walked at Kapiolani Park the other day and there were two massive metal storm drains – but they were in an area where nobody would reasonably walk, disabled or not. And they seemed to comply with the ADA (we didn’t have our tape measure with us).

In the case of a busy parking lot, it just seems that the entire lot (as designed here) is an “accessible route.”

In the photo with my magenta line, please look near the black car on the right – there’s another dropped curve. You’d need to get there to take the elevator to the second level of the parking structure – where there are two additional disabled parking spaces.

I’m sorry to be a pain in the okole, but I’d appreciate your further comments on this.

Mahalo,

Craig

Craig W Walsh

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Tel (802) 359-2718

From: Mick, Bryan K <Bryan.Mick@doh.hawaii.gov>

Sent: Tuesday, November 7, 2023 3:22 PM

To: Craig Walsh <craig@hmdp.com>

Cc: Marjorie Walsh <marjorie@hmdp.com>

Subject: RE: ADA Question - Storm Drain

Aloha,

I asked our facility access head to take a look (they review government building construction plans for ADA compliance. Here is what they told me “[Kahala Mall and the public parking lot would be covered by the ADA and the requirements would be mandatory as it is a public accommodation. For ADA, the openings requirement \(ADAAG 302.3\) would apply to grates that are located within \(or part of\) an accessible route. The grate shown in the picture is at the flared portion of the raised crosswalk and the flared portions of raised crosswalks are typically not part of the accessible route. The striped area of crosswalks are typically the extents of the accessible portion.](#)”

I'm surprised to find out the building code does not apply, seems like a very dangerous thing to not have any regulations on. It might be worth contact the Department of Environmental Services (who deals with storm drains) and see if they can point to anything.

Thanks,

Bryan K. Mick

Coordinator, Program & Policy Development

Disability and Communication Access Board

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(808) 586-8131

From: Craig Walsh <craig@hmdp.com>

Sent: Tuesday, November 7, 2023 11:45 AM

To: Mick, Bryan K <Bryan.Mick@doh.hawaii.gov>

Cc: Marjorie Walsh <marjorie@hmdp.com>

Subject: [EXTERNAL] ADA Question - Storm Drain

Aloha Bryan –

May I please ask you another question about the ADA?

I understand that under the 2010 ADA Standards for Accessible Design there is the following relating to floor and ground openings:

302.3 Openings. Openings in floor or ground surfaces shall not allow passage of a sphere more than 1/2 inch (13 mm) diameter except as allowed in 407.4.3, 409.4.3, 410.4, 810.5.3 and 810.10. Elongated openings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

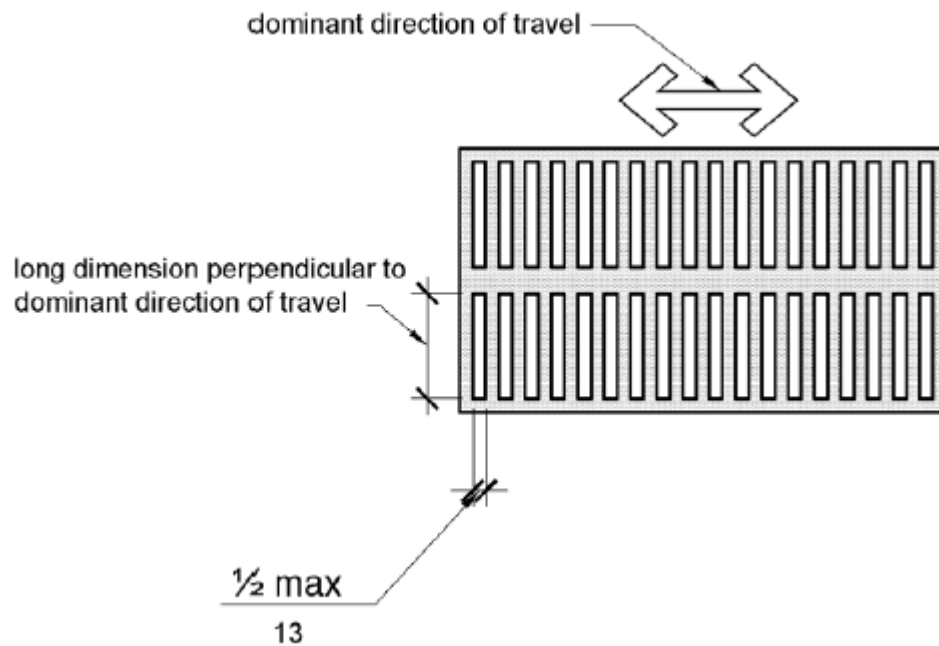


Figure 302.3 Elongated Openings in Floor or Ground Surfaces

Here is a photo of a storm drain grill in the parking lot of Kahala Mall, in front of the Whole Foods store:



As you can see the concrete surround on this storm drain is so damaged that the rebar on the left side in this photograph is exposed. This is near the crosswalk and in an area where folks, disabled and otherwise, frequently walk.



The distances between the grill blades are 1.25 inches – and 1.75 inches where one or two of the blades are bent. This is far in excess of the 0.50 inches specified by the ADA Standards for Accessible Design.

Would a parking lot at Kahala Mall be “covered” by the ADA Standards of Accessible Design? If so, are these standards mandatory – or just advisory? In other words, if this installation is covered by the ADA Standards of Accessible Design, *must* the Mall comply, or is it just suggested/recommended that they do comply?

Sorry to be a pest. My wife, Marjorie, tripped and fell on this grill in August, fracturing her femur. Two nights in the hospital and she ended up with a hip replacement that she didn’t otherwise need – simply because it’s the best way to repair a femur that fractures (as hers did) at the head.

The Mall has said that the drain grill complies with building regulations, but the City (Planning & Permitting) has confirmed that building regulations do not apply to storm drains – only drains that are connected to plumbing (and the sewer system).

In doing my research I found this ADA provision and hope you’ll be able to enlighten me as to its application (if any) to this parking lot drain.

Mahalo,

Craig

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