Court Finds Older Parking Lots Not Subject to ADA's "Meaningful Access" Requirement

BY CHELSIE A. VOKES • MARCH 1, 2018

On February 13, 2018, the District Court for the Western District of Washington found that University parking lots built before January 26, 1992 are not subject to the "meaningful access" requirement under the Americans with Disabilities Act ("ADA"). The Plaintiffs in the case argued that 86 of Washington University's (the "University") parking lots violated the ADA (among other laws).

The Court first ruled that the Plaintiffs lacked standing to challenge the 51 parking lots that they had not visited nor planned to visit.

The Court then decided whether the remaining parking lots violated the ADA. Under the ADA, public entities must provide "meaningful access" to **services, programs or activities** held in facilities constructed before January 26, 1992. The Court found that parking is not a service, program or activity provided by the University because it is not what a University "does" (e.g., provide education, medical, civic and sports programs). Therefore, the University was not required to provide "meaningful access" to parking lots built before January 26, 1992.

However, the court allowed the Plaintiffs to proceed with their claims regarding the lots built after January 26, 1992, which must meet heightened ADA requirements.

Client Tips: Institutions should keep track of when facilities were built and know how this may impact their ADA compliance responsibilities. Also, institutions should consider the legal implications before making any changes to facilities on campus, as this could trigger heightened ADA requirements.