



Summary of United States Access Board Final Rule on Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

On August 8, 2023, the United States Access Board issued the final rule on Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way. The final rule comes after the Access Board reviewed over 600 public comments on the Notice of Proposed Rulemaking (NPRM) issued in 2011 and the Supplemental Notice of Proposed Rulemaking (SNPRM) in 2013. The key highlights of the rule are as follows:

- The final rule modified the definition of “alteration” and added a definition for “developed.”
 - Alteration – *A change to or an addition of a pedestrian facility in an existing, developed public right-of-way that affects or could affect pedestrian access, circulation, or usability.*
 - Developed – *Containing buildings, pedestrian facilities, roadways, utilities, or elements.*

An “alteration” in the public right-of-way triggers compliance “to the maximum extent feasible where existing physical constraints make compliance with applicable requirements technically infeasible.”

Alterations include:

- Resurfacing
- Reconstruction
- In-Place Recycling
- Concrete Pavement Rehabilitation and Reconstruction
- Micro-Surfacing and Thin Lift Overlays
- Cape Seals
- Open-Graded Surface Course

Maintenance treatments which do not alone trigger compliance include:

- Pavement Striping
- Crack Filling or Sealing
- Chip Seals
- Fog Seals
- Joint Repairs
- Pavement Patching

- The final rule omits listing specific actions that would require the installation of Accessible Pedestrian Signals.
- Advisory language has been removed from the final rule and either been replaced with mandatory language or omitted entirely. In one case, the final rule requires detectable warning surfaces at both ends of stop or yield controlled driveways where previously this was only an advised practice.
- The final rule expresses slopes in both ratios and percentages. This changes what was previously 2% to 1:48 (2.1%).
- All references to the MUTCD have been removed from the final rule and instead the language is directly incorporated where applicable.
- The final rule added provisions requiring that where a pedestrian crossing is not intended or prohibited, “curb ramps or blended transitions shall not be provided, and the pedestrian circulation path shall be either a) separated from the roadway with landscaping or other



non-prepared surface or b) separated from the roadway by a detectable vertical edge treatment with a bottom edge 15 inches maximum above the pedestrian circulation path.”

- Blended Transition – *A wraparound connection at a corner, or a flush connection where there is no curb to cut through, other than a curb ramp.*
- Curb Ramp – *A sloped connection that is cut through or built up to a curb. Curb ramps may be perpendicular or parallel to the curb or to the street they serve or be a combination thereof.*
- At blended transitions that have a running slope greater than 1:48 (2.1%), the final rule requires a bypass be provided for pedestrians not utilizing the blended transition.
- On multi-lane roundabouts, each multi-lane segment shall provide a minimum of one crosswalk treatment. The crosswalk treatment shall be a pedestrian signal head, a pedestrian hybrid beacon, a pedestrian actuated rapid flashing beacon, or a raised crossing.
- On stairs, a one inch wide visual contrast stripe is required on the leading edge of each step and on the top landing.
- The final rule further clarified passenger loading zone requirements. The technical requirements are only mandatory for permanently designated passenger loading zones. Additionally, the NPRM requirement for signage at passenger loading zones has been eliminated.
- The final rule clarified scoping requirements for on-street parking and additionally requires that the center 50 percent of the length adjacent to an accessible parallel parking space be free of obstructions.

The full *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* final rule can be found in the Federal Register:

<https://www.federalregister.gov/documents/2023/08/08/2023-16149/accessibility-guidelines-for-pedestrian-facilities-in-the-public-right-of-way>

Additionally, on December 13, 2023, the Illinois Department of Transportation (IDOT) issued Circular Letter 2023-32 – *Americans With Disabilities Act (ADA) Title II Compliance Assessment and Support Project – Project Announcement and Information Request*. This circular letter outlines IDOT and the Chicago Metropolitan Agency for Planning’s (CMAP) intent to assist Local Public Agencies in complying with Title II of the Americans with Disabilities Act requirements and developing ADA Self-Evaluation & Transition Plans. The goal of this project is to increase ADA compliance and accessibility throughout Illinois.

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