

(l) The head of the agency shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the head of the agency determines that additional information is needed from the complainant, he/she shall have 60 days from the date of receipt of the additional information to make his/her determination on the appeal.

(m) The time limits cited in paragraphs (i) and (l) of this section may be extended with the permission of the Assistant Attorney General.

(n) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

PART 1155 [RESERVED]

PART 1190—ACCESSIBILITY GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

Sec.

1190.1 Accessibility Guidelines.

APPENDIX TO PART 1190—ACCESSIBILITY GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

AUTHORITY: 29 U.S.C. 792; 42 U.S.C. 12204; 42 U.S.C. 4151 *et seq.*

SOURCE: 88 FR 53650, Aug. 8, 2023, unless otherwise noted.

§ 1190.1 Accessibility Guidelines.

The accessibility guidelines for pedestrian facilities in the public right-of-way are set forth in the appendix to this part. When the guidelines are adopted, with or without additions and modifications, as accessibility standards in regulations issued by other Federal agencies implementing the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Architectural Barriers Act, compliance with the accessibility standards is mandatory.

APPENDIX TO PART 1190—ACCESSIBILITY GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

CHAPTER 1: APPLICATION AND ADMINISTRATION

R101 Purpose and Application

R101.1 Purpose. These guidelines contain scoping and technical requirements to ensure that *pedestrian facilities* located in the *public right-of-way* (including a *public right-of-way* that forms the boundary of a site or that lies within a site bounded by a property line), are readily *accessible* to and usable by *pedestrians* with disabilities.

R101.2 Application to ADA-Covered Facilities. These guidelines apply to *pedestrian facilities* in *public rights-of-way* to the extent required by regulations issued by Federal agencies under the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 *et seq.*) (ADA).

R101.3 Application to ABA-Covered Facilities. These guidelines apply to *pedestrian facilities* in *public rights-of-way* to the extent required by regulations issued by Federal agencies under the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*) (ABA).

R101.4 Effect on Existing Pedestrian Facilities. These guidelines do not address existing *pedestrian facilities* unless the *pedestrian facilities* are altered at the discretion of a covered entity. The Department of Justice has authority over existing facilities that are subject to the requirement for program access under title II of the ADA. Any determination that this document applies to existing facilities subject to the program access requirement is solely within the discretion of the Department of Justice and is effective only to the extent required by regulations issued by the Department of Justice.

R102 Deviations From These Guidelines

R102.1 ADA-Covered Facilities and Equivalent Facilitation. The use of alternative designs, products, or technologies that result in substantially equivalent or greater accessibility and usability than the requirements in these guidelines shall be permitted for *pedestrian facilities* in the *public right-of-way* subject to the ADA.

R102.2 ABA-Covered Facilities and Waivers or Modifications. Equivalent facilitation is not permitted for *pedestrian facilities* in the *public right-of-way* subject to the ABA. The ABA authorizes the Administrator of the General Services Administration, the Secretary of the Department of Housing and Urban Development, the Secretary of the Department of Defense, and the United States Postal Service to modify or waive the accessibility standards for buildings and facilities covered by the ABA on a case-by-case basis, upon application made by the head of the department, agency, or instrumentality of the