ADA Subrecipient Technical Assistance Manual

Civil Rights Division

Spring 2020

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Introduction

The Texas Department of Transportation (TxDOT) remains committed to providing full accessibility for everyone. The purpose of this manual is to provide TxDOT's Subrecipients with technical assistance and ensure compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

As a recipient of federal funds, TxDOT is committed to ensuring that funds passed through to subrecipients are not used in a discriminatory manner; all ADA requirements are met; and subrecipients are eligible to receive federal funds. See 23 CFR 200 for more information.[1] TxDOT's signed ADA Assurance can be found in *Appendix A*.

Subrecipients include all entities that receive federal-aid, such as: Local Governments, Metropolitan Planning Organizations, Colleges and Universities, and Contractors and Consultants. This manual serves as technical assistance only, not legal advice. Use of this manual does not guarantee compliance, but will assist subrecipients in obtaining and maintaining compliance with accessibility and nondiscrimination requirements. Subrecipients are encouraged to work closely with legal counsel to determine their level of compliance and to monitor all areas of federal regulatory compliance for risk mitigation and deficiency resolution on an ongoing basis.

TxDOT will supplement this technical assistance manual with online training covering nondiscrimination and accessibility. As a best practice, it is recommended that subrecipients have appropriate staff complete the training every two years or as staffing changes occur. See p. 93 for training schedule.

Our goal is to assist all Texas subrecipients in achieving compliance with the provisions of the ADA and Section 504 of Rehabilitation Act of 1973, as amended. If you have further questions or require technical assistance, please contact TXDOT's ADA Compliance Program Manager by phone or e-mail:

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ADA Compliance
Program Administrator
125 E. 11th Street
(512) 486-5503
Juanita.Webber@txdot.gov or
CIV_ADA@txdot.gov

[1] http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0200.htm

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Overview of Regulatory Requirements

As determined by both the Federal Highway Administration (FHWA) and the Department of Justice, TxDOT is a State Transportation Agency (STA) that receives and distributes federal funds to entities. As an STA, TxDOT has the responsibility to monitor subrecipients to ensure their compliance with Title II of the ADA and Section 504 with respect to projects funded by the STA, whether federal or state dollars are used, and programs implemented by subrecipients.

Under the ADA (28 CFR §35.130 (b)(1)(v)), TxDOT cannot aid or perpetuate discrimination against an individual with a disability by providing assistance to an entity that discriminates in providing any aid, benefit, or service to beneficiaries. Similarly, Section 504 (49 CFR §27.7 (v)) provides that TxDOT, as a recipient of FHWA funds, cannot provide financial or other assistance to an agency, organization, or person that discriminates based on disability in providing any aid, benefit or service. Simply stated, TxDOT cannot provide aid to an organization that is not in compliance with the ADA and Section 504.

The Americans with Disabilities Act of 1992 and Accessibility Regulations

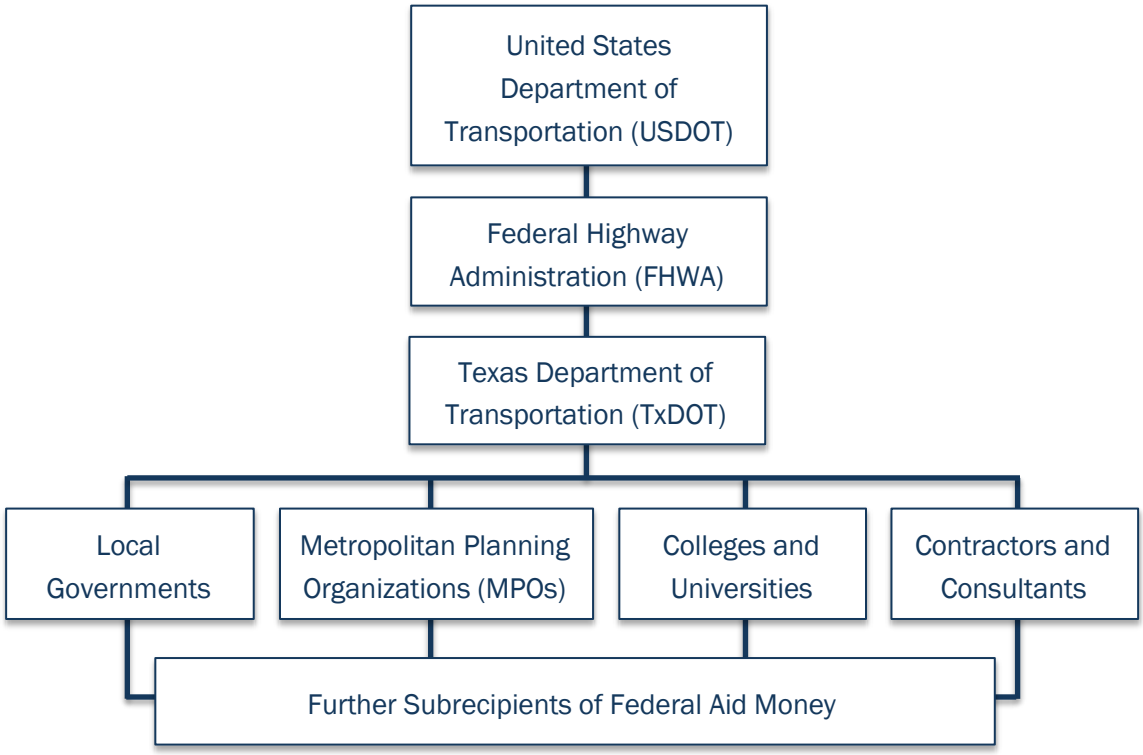
Persons with disabilities are a protected class of individuals whom must not be subjected to discrimination. If TxDOT provides federal aid to a local government or other entity, all the operations of the agency, department or organization are required to protect persons with disabilities from discrimination. In addition to all local governments, any private entities that accept federal grants must provide similar protection. Enhancement grants, safe routes to school funds, earmarks, as well as local highway user revenue distributions are all qualifying funds and therefore, recipients must demonstrate compliance in all their programs. The state, local government and other entities employing 50 or more people must meet the following requirements: apply ADA law; apply Section 504; develop and disseminate a nondiscrimination statement; appoint an ADA/Section 504 coordinator; conduct a self-evaluation; develop a Transition Plan; publish a grievance procedure; provide auxiliary aids, including TTD/TTY; and provide assurances of compliance through the development of standards, guidelines, policies, procedures and adequate recordkeeping. Those entities employing between 16-49 people, at a minimum, must provide a grievance procedure and a nondiscrimination policy. In addition, TxDOT requires entities with fewer than 16 employees to meet the minimum requirements of a grievance procedure and nondiscrimination policy.

Oversight and Compliance Monitoring

The Department of Justice enforces both these regulations and those regulations for transportation-related programs including (but not limited to) sidewalks, transit, and roadways. This authority is delegated via the United States Department of Transportation (DOT) to FHWA that oversees compliance (See 23 CFR 200).

FHWA, pursuant to these regulations, requires STAs such as TXDOT to take specific actions to ensure that its own programs and facilities, as well as those subrecipients they monitor, are compliant with all nondiscrimination and accessibility requirements.

The flow chart below depicts the relationship among all of the key stakeholders:



Authorities

A short list of relevant authorities includes (but is not limited to):

- Title VI of the Civil Rights Act of 1964, (Title VI)[2]
- Title II of the Americans with Disabilities Act of 1990 (The ADA)[3]
- Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 USC 790)[4]
- Section 508 of the Rehabilitation Act of 1973 (Section 508) (29 U.S.C. 794d)[5]
- Civil Rights Restoration Action of 1987[6]
- The 1970 Uniform Act (42 USC 4601)[7]
- The 1973 Federal-aid Highway Act (23 USC 324)[8]
- Implementing Regulations (49 CFR 21[9] & 23 CFR 200[10])

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[2] https://www.dol.gov/oasam/regs/statutes/titlevi.htm
[3] http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm
[4] https://www.dol.gov/oasam/regs/statutes/sec504.htm
[5] https://www.dol.gov/oasam/regs/statutes/sec508.htm
[6] https://www.fhwa.dot.gov/environment/environmental_justice/legislation/restoration_act.cfm
[7] http://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap61-subchapI-sec4601.pdf
[8] http://www.gpo.gov/fdsys/granule/USCODE-2011-title23/USCODE-2011-title23-chap3-sec324
[9] https://www.fhwa.dot.gov/hep/guidance/superseded/49cfr21.cfm
[10] http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0200.htm

TxDOT's ADA Accessibility Program Overview

TXDOT is a large transportation agency. TxDOT utilizes ADA liaisons in each of the 25 District Offices and 28 Divisions in the department to effectively implement ADA requirements. These liaisons are the key point of contact for the ADA Compliance Program Administrator, who is a member of the Civil Rights Division. The liaisons ensure data collection and tasks for their district office remain on track and that the ADA Compliance Program Administrator receives information for recordkeeping and reporting.

The combined TxDOT ADA Annual Goals & Accomplishments Report is posted online. This document addresses specifically what TXDOT has accomplished the previous program year and what TXDOT plans to accomplish during the upcoming year. TXDOT's 2004 ADA Transition Plan is also available online. Both documents can be viewed online at the TxDOT website.[11] However, the Transition Plan is undergoing a major overhaul and update and will be uploaded to the webpage upon completion.

The updated Transition Plan will include data collected from the self-evaluation of all of TxDOT's pedestrian public rights-of-way, facilities, programs and activities. During this process, the inventory of all assets will be evaluated to pinpoint barriers that may limit accessibility. Web accessibility and policies and practices are also included in this evaluation. The projected date of completion of the Transition Plan is expected next winter.

TxDOT began the self-evaluation period in 2016 with various feasibility studies and pilot programs. The data collection phase is still underway and will end December 2020. Great strides have already been made in each area to support efforts to revise the plan.

TxDOT engaged a consultant to help develop the Pedestrian Access Inventory (PAI) of TxDOT's right-of-way (ROW) infrastructure. The collected information and policy recommendations will be used as the basis for the Transition Plan and Curb Ramp Program Planning Document updates. A dynamic severity and activity based ranking system of pedestrian facility components was implemented to prioritize the schedule for barrier removals. The PAI encompasses a comprehensive geometric assessment of on-system curb ramps, sidewalks, and transit stops that are being evaluated for compliance based on current standards. However, data can easily be used to evaluate compliance with future standards.

TxDOT currently owns 2,641 facilities throughout the state. A comprehensive self-evaluation was conducted on approximately 1600 facilities (those occupied or open to the public) and was completed in June 2018. Findings and recommendations identified will be included in the final revised Transition Plan. Additionally, a program accessibility assessment was issued to all districts and divisions to determine compliance with ADA/504. Modifications to policies and practices will be made based upon the findings of that assessment.

[11] https://www.txdot.gov/inside-txdot/forms-publications/publications/eeo.html

TxDOT's websites are routinely reviewed to ensure continued compliance with Section 508 of the Rehabilitation Act of 1973, as amended. In an effort to constantly improve the user experience, TxDOT.gov was republished to comply with software updates. A second phase is underway to fully upgrade web accessibility to meet the newly revised standards of Section 508.

Once the self-evaluation is completed, recommendations and a schedule for removing barriers will be identified and included in the updated Transition Plan. A Transition Plan status update was submitted to FHWA in January 2018 along with the State Improvement Transportation Plan (STIP) to outline TxDOT's progress.

Currently, TXDOT is establishing an ADA Advisory Committee to address technical aspects of the ADA, requests for ADA assets, and responses to inquiries about challenges in designing and constructing compliant ADA ' assets. This committee promotes a consistent approach to ADA issue resolution throughout the state. All 25 TxDOT districts established ADA committees to address issues specific to the respective district.

TxDOT Subrecipient Monitoring Procedures

In accordance with 23 CFR, 200.9(b)(7), TxDOT is responsible for developing and implementing an effective subrecipient monitoring program that conducts reviews of cities, counties, consultant contractors, suppliers, universities and colleges, planning agencies and other recipients of federal-aid highway funds with whom it does business.

TxDOT's Subrecipient Monitoring Program is multi-faceted and includes education, oversight, design review, consultation and monitoring. The elements of the program are outlined below. Other information addressing responsibilities under ADA and Section 504 will also be distributed to TxDOT's subrecipients.

Subrecipients will be asked to acknowledge their understanding of the requirements of the ADA/Section 504 and certify by signature, that they do/will comply with those requirements. TxDOT reserves the right to review any of the required materials/policies/programs of the subrecipient. Notification of training will be provided to subrecipients and consultation will be offered on an as needed basis.

TxDOT's Advanced Funding Agreement (AFA) outlines the basic requirements to ensure nondiscrimination in subrecipient transportation projects and is used by TXDOT as a starting point in the process of determining funding eligibility. A subrecipient must be ADA compliant to be eligible to participate in TxDOT's Local Governments program. TXDOT is responsible for monitoring subrecipients to ensure compliance and must ensure entities are actively addressing deficiencies and demonstrating good faith efforts in their compliance with ADA.

TxDOT ADA Subrecipients Monitoring and Compliance Program

Local Governments with AFA's must complete TxDOT's Local Government Project Procedures (LGPP) Qualification Program course prior to obtaining funding through TxDOT to administer local projects. It is a mandatory requirement for Local Governments to complete all documentation in the TxDOT Subrecipient Compliance Assessment Tool (SCAT). The SCAT was built to measure compliance with both Title VI and ADA.

The SCAT will help to identify Subrecipients who require technical assistance and monitor compliance with the Americans with Disabilities Act (ADA) and Sections 504 and 508 of the Rehabilitation Act of 1973 (as amended). Beginning 2020, all TxDOT subrecipients will be required to complete the ADA Subrecipients Monitoring and Compliance Survey I and II. Subrecipients will be notified of scheduled ADA subrecipient training via the Subrecipient Training Letter when appropriate. The schedule will also be posted online at txdot.gov.

Definitions

Survey I – Baseline inquiry consisting of six (6) questions designed to assist the ADA Program Administrator to categorize each Local Government by size. ADA requirements differ based on the size of the organization: (a) 0-15 employees - no ADA requirements (at a minimum, TxDOT requires a nondiscrimination policy and grievance procedure for all its Subrecipients); (b) 16-49 employees - must have a nondiscrimination policy and complaint process; and (c) 50 or more employees – must apply ADA law; apply Section 504; develop and

disseminate a nondiscrimination statement; appoint an ADA/Section 504 coordinator; conduct a self-evaluation; develop a Transition Plan; publish a grievance procedure; provide auxiliary aids, including TTD/TTY; and provide assurances of compliance through the development of standards, guidelines, policies, procedures and adequate recordkeeping ***(See Appendix E for Survey I).***

Survey II – Survey contains 28 questions designed to gather specific information about the ADA program, such as ADA coordinator name and contact information. Responses to Survey II will assess technical needs for each Local Government ***(See Appendix F for Survey II)***.

Survey III – Survey III is the required Compliance Check. It consists of 22 questions and is made up of two parts, Part A and Part B. Each Local Government is required to complete Survey III at the end of its designated compliance period. A compliance period is 18-36 months and based on the scoring method defined below ***(See Appendix G for Survey III)***.

Part A – Survey designed to evaluate fiscal responsibility.

Part B – Survey designed to evaluate ADA Compliance.

Scoring Method: The ADA Program Administrator will use a green-yellow-red scoring method.

Green Score – Local Governments will receive a letter indicating "satisfactory status" and will be required to complete Survey II. If Survey II is completed within the designated time period (identified by the SCAT prompt), the Local Government will be required to complete the Compliance Check (Survey III) at the end of the 36-month period instead of 18 months.

Red or Yellow Score – Local Governments will receive a letter indicating "unsatisfactory status" and provided a schedule of technical assistance trainings. Training will be required. The Local Government will have a designated 18-month period to become compliant with ADA requirements and complete the Compliance Check (Survey III).

Review Cycles – A review cycle equals 36 months. Please note, subrecipients entering new Advanced Funding Agreements after May 4, 2021 would begin the review process for Cycle 1 during Phase 2.

Cycle 1 – May 4, 2020 – May 3, 2023

- **Phase 1 –** May 4, 2020 – May 3, 2021
- **Phase 2 –** May 4, 2021 – May 3, 2022
- **Phase 3 –** May 4, 2022 – May 3, 2023

Cycle 2 – May 4, 2023 – May 3, 2026

Process

Step 1: All subrecipients receive and complete Survey I.

Step 2: Subrecipients are identified as green, yellow, or red based on the scoring method.

Step 3: All subrecipients receive and complete Survey II.

Step 4: All subrecipients rated yellow or red will be provided an 18-month compliance window to attend required technical training, utilize technical assistance, and move towards Compliance with ADA and TxDOT required standards. Each local government will be provided with information that identifies deficiencies (***See Appendix L)***.

All subrecipients rated green remain "satisfactory" with ADA and TxDOT required standards for a 36-month period.

Step 5: Subrecipients receive and complete Survey III (Compliance Check) at the end of their designated period. The TxDOT ADA Program Administrator will evaluate whether the subrecipient is in compliance or noncompliance based on ADA and TxDOT required standards *(See Appendix L)*.

Subrecipients will be notified of their preliminary compliance determination once the responses of Survey III are evaluated for compliance/noncompliance and risk.

Subrecipients that are considered a high risk for noncompliance or noncompliant with ADA will be given an opportunity to correct the deficiencies through a desk review using the following process.

TxDOT ADA Subrecipient Monitoring and Compliance Program Desk Review

Step 1: TxDOT Sends ADA Review Notifications.

Subrecipients that are considered a high risk for noncompliance or noncompliant with ADA will be notified that a TxDOT ADA Subrecipients Monitoring and Compliance Formal Review (Desk Review or On-site Review) will be scheduled via certified mail, return receipt requested.

Step 2: TxDOT Conducts a Desk Review of ADA Subrecipients Monitoring and Compliance Desk Review Assessment Responses.

Subrecipients will be required to complete the ADA Subrecipients Monitoring and Compliance Desk Review Assessment and provide supporting documentation as evidence of compliance with ADA/504.

Step 3: 30-Day Compliance Review Period Commences.

Upon receipt of notification and the Desk Review Assessment, the Subrecipient will have thirty (30) days to provide additional documentation or evidence of compliance that will be considered as part of the ADA Subrecipient Monitoring & Compliance Desk Review. Subrecipients may request an extension to collect the required documentation.

Step 4: Notify Subrecipient of Findings – ADA Review Follow-up Report of the Subrecipient

Once this thirty-day period or extension has expired, TxDOT will issue its findings in the ADA Review Follow-up Report of the Subrecipient. Subrecipients that are deficient or noncompliant are not eligible to receive federal funds via TxDOT until they have resolved their deficiencies or have submitted a commitment letter to TxDOT affirming their commitment toward resolving their deficiencies with a specific plan of action identified for each deficiency.

TxDOT ADA Subrecipients Monitoring and Compliance Program Formal Compliance Review

On-Site Compliance Reviews Target Current Subrecipients in Non-Compliance

Onsite reviews may not be necessary; however, onsite reviews may be performed at the discretion of the ADA Compliance Program Administrator or upon request of the subrecipient.

ADA subrecipient compliance and monitoring is focused on ensuring compliance with the assurances of nondiscrimination and is risk-based. On-site review procedures apply to those subrecipients already approved and with projects underway. An on-site compliance review may be conducted based upon the following:

- A high-dollar or high-impact project is being undertaken by the Subrecipient. Impacts may or may not be related to disabled or other specifically-protected individuals;
- The Subrecipient has received a complaint of discrimination or TXDOT has received a complaint about the Subrecipient; or
- TXDOT has other reasons to suspect the Subrecipient may not be in compliance with nondiscrimination requirements. This may be based upon the manner of construction of improvements; content present or absent from the subrecipient's website; responses of the surveys or assessment tool or lack thereof; comments made in the official capacity of the subrecipient; actions taken that generate concern regarding the level of the subrecipient's compliance; or other reasonable basis identified by TxDOT, including a history of noncompliance.

On-site Reviews will be undertaken by a review ream. The review team members will vary between subrecipients depending on the type of project and the level of monitoring needed, to ensure that the members from the relevant departments and in-house experts are engaged appropriately. A review team may consist of:

-Grants manager
-Project manager
-District/Division ADA liaison
-ADA Compliance Program Administrator
-Other internal subject matter expert (SME) (as required)

Before On-Site Review

Step 1 - Information Request: The ADA Compliance Program Administrator will request relevant documentation at least 4 weeks in advance of the site visit based on the requirements. The requested documents will be determined by the review areas applicable to each subrecipient. The subrecipient is required to return the documents 2 weeks before the site visit.

Step 2 - Review Documentation: The review team will review all submitted documents. The team will record which documents were received and if there were performance or information gaps in meeting the FHWA requirements in each area.

Step 3 – Pre-Visit Information: One week before the site visit the ADA Compliance Program Administrator will send the subrecipient the following:

- Cover letter;
- A document that outlines the items that were received and the Subrecipient review areas that will be further investigated on-site, and a list of performance or information gaps in advance of the site visit, allowing the subrecipient to prepare for on-site discussions;
- The program agenda for the on-site review to ensure that all relevant staff members are present; and
- The chosen sample of procurement files, so that the subrecipient will ensure all the documentation is ready (if applicable) for review on-site.

On-Site Review

The ADA Compliance Program Administrator will coordinate the on-site reviews. A minimum of 2-3 members of the review team will attend on-site to conduct the review based on the results of performance or information gaps identified in the pre-site visit documentation review, changes in policies and procedures, risk based assessment of grant management areas and federally funded procurements.

The on-site reviews will last approximately 1.5 days and will cover the following:

Step 4 – Entrance Conference: The first meeting of the site visit between the review team and subrecipient. Introductions and overview of the compliance review objectives and process, and confirmation of the arrangements for the review (documents requested, staff interviews, projects or federally funded assets to be inspected). The subrecipient should raise any issues they would like to discuss during this conference.

Step 5 – Interviews and Review of Outstanding Documentation: Focus on outstanding questions or gaps, changes in policies and procedures, risks and other pertinent information identified prior to the visit.

Step 6 – Visit and Inspection of Documents, Facilities and Other Major Assets: Including, observing the condition of facility and equipment, reviewing preventive maintenance records for a sample of federally funded facilities, verifying that the subrecipient has equipment control procedures, and reviewing procurement files and other documentation to confirm that the subrecipient has effective and comprehensive oversight procedures.

Step 7 – Preliminary Findings of Deficiency: During the review, the review team will check all FHWA requirements and record the findings. This will help to identify the preliminary findings and ensure all areas are covered while on site.

Step 8 – Exit Conference: The site visit will conclude with an exit conference during which the review team will debrief the subrecipient team on the preliminary findings of deficiency, and the proposed corrective actions and milestones for completion. The subrecipient should advise if any comments have been misstated or if there may be obstacles to the implementation of corrective actions.

Results from the onsite reviews can take a number of forms:

- "No Finding": Subrecipients documentation meets FHWA and ADA/504 requirements
- "Finding": Subrecipient is missing documentation or the documentation provided is missing key FHWA and/or ADA/504 requirements
- "Not Applicable": An area can be deemed not applicable if, after initial assessment, the subrecipient does not conduct activities for which the requirements of the respective area would be applicable.

Each finding will be accompanied by a corrective action that must be completed by the subrecipient to bring the project into compliance with FHWA requirements. The corrective actions, along with timelines for completion, form a corrective action plan by which the subrecipient will be monitored. Corrective actions could include developing new policies and procedures, training staff, developing required documents/plans, and monitoring of staff performance to ensure compliant policies are followed.

Corrective actions must be specific, measurable, and assignable to the subrecipient and ensure the deficiency is removed. The timelines given for corrective action must be realistic, but enable the deficiency to be removed as quickly as possible. All corrective actions must be completed within 90 days of the date of the final report.

Step 9 - Notify Subrecipient of Findings – The ADA Compliance Program Administrator will develop an ADA Review Follow-up Report of the Subrecipient indicating any performance gaps identified in the relevant compliance areas and as noted in the exit conference. The draft report will be sent to the subrecipient for comment within ten (10) business days of the date of the site visit.

Between the date of the site visit and date of the draft report, the subrecipient can submit to the review team documentation that will be considered in the draft report. Documentation can take two forms:
If the documentation provides clarification that the subrecipient was compliant at the time of the site visit, reference to the finding should be removed.
If the documents provide evidence that a finding has been corrected since the site visit, the finding should be listed in the draft report, but noted as closed.

The ADA Review Follow-up Report of the Subrecipient will be submitted to the subrecipient's designee identified to receive the report.

Step 10 – Corrective Action Monitoring: The project manager will be responsible for tracking the status of all corrective actions and determining when all corrective action requirements have been met within the agreed timeframe. If a subrecipient does not deliver the corrective actions in the agreed timeframe, future payments may be withheld or additional funding may not be provided.

Failure to Comply

If the subrecipient does not voluntarily comply within 90 days of the original notification, either by resolving the deficiency or by completing and submitting a compliance action plan to TxDOT, the Department will issue a notice of noncompliance.

If the subrecipient fails to submit appropriate and complete documentation to support its commitment to comply with ADA/Section 504, TXDOT will issue a noncompliance letter and forward a copy to FHWA and may then pursue other legally available action against the subrecipient for failure to comply. An administrative hearing opportunity would exist for the subrecipient at this point and notice of such will be provided.

Following the expiration of ninety (90) days, TXDOT will either:

- Certify the current subrecipient eligible to receive funds,
- Identify the current subrecipient as deficient but on an approved corrective action plan, or
- Issue a notice of noncompliance and initiate appropriate proceedings to determine ineligibility to receive funds.

Copies of all deficiency notices will be provided to FHWA.

Requirements for Subrecipient's Deficiency Resolution

A subrecipient who completed the ADA Subrecipient Monitoring & Compliance Formal Review may become compliant at any time by submitting sufficient documentation to the ADA Compliance Program Administrator for review that demonstrates resolution of their deficiencies.

Compliance documentation is generally reviewed by the ADA review team in the order it is received unless TXDOT or FHWA priorities determine otherwise. An ADA Review Follow-up Report of Subrecipient will be provided upon completion of the review. A corrective action plan is included in the report when applicable. Keep in mind that corrective action plans apply to current subrecipients of federal funds for a current and ongoing project only. (See the TxDOT's ADA Technical Assistance Manual for Subrecipients for copies of all Letters and Documents).

Accessibility Requirements

Pursuant to the ADA or Section 504 & other accessibility laws and regulations, subrecipients are required to meet the following requirements to be eligible to receive federal funds:

- Have a designated ADA Coordinator;
- Develop and post an ADA accessibility policy;
- Complete a self-evaluation of all public facilities & programs as applicable*;
- Develop a transition plan, if applicable (recipient type/size)*;
- Design & build accessible facilities & programs;
- Have a complaints and public input / request procedure; and
- Review & monitor compliance.

Certain entities that are recipients of federal funds, but who are very small may not be required to have ADA Transition Plans; however, they should have an accessibility plan that fits the size of their organization.

The following pages provide specific guidance, resources and technical assistance targeting each of the above requirements. TXDOT's goal is to assist all of our subrecipients in achieving and maintaining compliance. Laws and regulations change, and it is each individual entity's responsibility to ensure current requirements. Again, none of the material included in this guide is intended to constitute legal advice. If you believe your entity may be exempt from any of these requirements or would like a legal opinion regarding your level of compliance, please consult with your organization's attorney.

Designating an ADA Coordinator

Requirements:

An ADA Coordinator must be designated. The ADA Coordinator must be identified by name and contact information must be provided. This information should be included in the ADA Transition plan and posted on the subrecipient's website.

Recommendations:

It may be beneficial to include these duties in the job description of an individual role within the subrecipient's organization in order to ensure when political transitions occur that the duties are maintained. However, a subrecipient cannot merely identify the ADA Coordinator by a job position, such as "Town Clerk". The individual's name must be provided. The ADA Coordinator may be the same person as the Title VI Program Manager. This determination is dependent on how the subrecipient operates as these are related but different roles. The ADA Coordinator should be someone in a position to implement policies and effectuate change. They should have some training in ADA requirements.

Developing and Publishing an ADA Accessibility Policy

Requirements:

A subrecipient must develop and publish an ADA Accessibility Policy. The policy must be signed or adopted by the subrecipient to be made official. The policy should be published, posted, and included in the subrecipient's Transition Plan.

Recommendations:

There are a number of similar subrecipients who have posted their nondiscrimination policies online. TXDOT's is also posted and may be used or referenced as a template. TXDOT's ADA Notice of Nondiscrimination can be found online at TxDOT's website.[15] Nondiscrimination policies should be periodically re-adopted when leadership changes. You may not wish to identify the ADA Coordinator in the policy if a new ordinance must be passed to change Coordinators, although it is helpful to post and publish the ADA Coordinator's name with the ADA policy.

Completing a Self-Evaluation of Facilities and Programs

Requirements:

The ADA requires that all programs and facilities, including, but not limited to, websites, public outreach policies, buildings, parks, and sidewalks, be evaluated for ADA compliance. Subrecipients are required to measure all features of facilities, maintain documentation, assess programs, and identify areas of noncompliance. The self-evaluation form is the basis for the prioritization schedule in an ADA Transition Plan.

Recommendations:

Maintain all data in its raw form. If your records include the actual measurement of the slope of a curb ramp and the measurement in its width in inches, you won't have to recollect the information as the regulations change as you would if you merely recorded whether or not they were compliant. Include the year the asset was built, if you have this information. Be sure to make this inventory a living document and update it or else it will be more work later to periodically redo the entire inventory.

Don't forget to evaluate your programs as you do your facilities. Is your website accessible? How about your public meetings? Does your city operate other programs such as leagues and camps?

Developing, Implementing and Maintaining an ADA Transition Plan

Requirements:

- Identify your ADA Coordinator by name and include contact information;
- Include the ADA policy;
- Include the grievance procedure for ADA complaints;
- Include the ADA self-evaluation results (for programs and facilities);
- Identify the design standards for all facilities (buildings & roadway assets); and
- Include a prioritization schedule for remediating assets and programs that are not ADA compliance with a means of identifying the subrecipient's commitment to complete the schedule by identifying either (if not both) of the following:
    - The completion date for each item on the schedule; or
    - A budget to be applied to the items on the prioritization schedule together with cost estimates for their remediation.

[15] http://ftp.dot.state.tx.us/pub/txdot-info/ocr/ada/notice-of-nondiscrimination.pdf

Demonstrate that there were ample public involvement opportunities involved in the development of this plan.

- Identify how often the plan will be updated (every two years, for example); and
- Effectuate the plan by signature, ordinance or other means of adoption.

Recommendations:

Keep the plan simple. Put most of your data in the appendix but do include your inventory and prioritization schedule with the plan. The ADA Transition Plan must be complete and comprehensive. Plan components, such as the nondiscrimination and grievance policies, should be maintained in one location as part of the Transition Plan. It should also be a living document, updated on an ongoing basis as work is completed, even if the plan itself isn't updated for publication every year. The minute you stop keeping track of the work that has been accomplished or identifying things that need remediation, the plan will cease to function and you (or your successor) will be left to start over. This could limit your eligibility for funding.

Designing and Building Accessible Facilities and Programs

Requirements:

- Identify the design standards used (ADAAG, PROWAG, etc.); and
- Identify how you ensure that what you build and operate is compliant.

Recommendations:

You are responsible for ensuring your facilities and programs are accessible. While ADAAG (ADA Accessibility Guidelines) apply to buildings and facilities, FHWA maintains that the PROWAG, (Proposed Guidelines for Accessible Rights-of-way) are the best practices for public rights-of-way even though they have not been made official as of the date of this publication. Accordingly, TXDOT is in the process of revising its design standards to meet the PROWAG requirements. Subrecipients should identify which design standards they use. These categories should be identified as ADAAG and PROWAG designations, not "TXDOT standard drawings", for example. Adopting "TXDOT" or any other entities "standard drawings" does not constitute an adoption of design standards.

Developing, Implementing and Maintaining a Grievance Procedure

Requirements:

- Adopt a grievance procedure for ADA complaints (See Appendix I);
- Protect the confidentiality of the complainant;
- Maintain a log of all complaints received (See Appendix J); and
- Train employees on your complaint procedure to ensure proper processing of complaints.

Recommendations:

Clearly state what constitutes and complete complaint and when that complaint is considered received. Clearly indicate your timelines and ensure you notify the Complainant of all of their rights and other options for filing a grievance. Follow your complaint procedure to the letter if and when you receive complaints.

Obtaining Public Input

Requirements:

- Obtain continual and ongoing public input on your ADA Transition Plan.
- Offer continuing opportunities for Input on ADA Prioritization and other policy and program decisions.

Recommendations:

Hold public meetings as you develop or update your ADA Transition Plan. Create a mechanism for ongoing public comment and input as the plan is implemented and ongoing. Keep records of all public meetings, public comments, and attendance. Include a discussion about public input in your Transition Plan.

Monitoring and Maintaining Compliance

Requirements:

- Implementation is required for ADA Transition Plans: it is not enough to merely have them, they must be used.
- Subsequent plan updates must demonstrate and evidence progress that has been made in order to reflect good faith efforts to comply with the requirements.

Recommendations:

Identify key individuals in your entity who can meet periodically and ensure that the underlying data is maintained. Meet with policy makers and stakeholders to discuss and evaluate the effectiveness of your plan. Don't let the Transition Plan sit on a shelf and collect dust. If it's not in use, it doesn't exist and it is not evidence of your ADA Compliance.

Accessibility Checklist for Communities

The following checklist can be used to determine whether or not your organization is in compliance with accessibility laws. This is a resource and technical tool only. Other factors will play a role in determining whether or not your organization is determined to be compliant or not. Keep in mind that having all the required components is only one small part of compliance; putting the plans and policies into practice and keeping good records is what really counts!

Pursuant to the ADA, Section 504, and other accessibility laws and regulations, subrecipients are required to meet the following requirements to be eligible to receive federal funds:

- ☐ Have a designated ADA Coordinator
- ☐ Develop and post an ADA accessibility policy with adopted design standards and public notice
- ☐ Complete a self-evaluation of all public facilities & programs as applicable
- ☐ Develop a transition plan, if applicable (recipient type/size)
- ☐ Design & build accessible facilities & programs
- ☐ Have a public input, request, and complaint procedure
- ☐ Review & monitor compliance

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Appendix A – ADA Assurance

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.4700 | WWW.TXDOT.GOV

AMERICANS WITH DISABILITIES ACT and
SECTION 504 OF THE REHABILITATION ACT OF 1973

ASSURANCE

28 Code of Federal Regulations Part 35.130, Title II of the Americans with Disabilities Act prohibits discrimination on the basis of disability by public entities. Subtitle A protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. It extends the prohibition of discrimination in federally assisted programs established by section 504 of the Rehabilitation Act of 1973 to all activities of state and local governments, including those that do not receive federal financial assistance, and incorporates specific prohibitions of discrimination on the basis of disability from Titles I, III, and V of the Americans with Disabilities Act. This rule, therefore, adopts the general prohibitions of discrimination established under section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.

The Texas Department of Transportation (TxDOT), HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the U.S. Department of Transportation through the Federal Highway Administration, is subject to and will comply with all laws and regulations, and hereby gives assurance that no qualified disabled person shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discriminations, including discrimination of employment, under any program or activity that received or benefits from this federal financial assistance. TxDOT further assures that its programs will be conducted, and its facilities operated, in compliance with all the requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35, and 42 USC §§ 12101 – 12213.

James M. Bass
Executive Director
Texas Department of Transportation

10/16/19
Date

OUR VALUES: *People • Accountability • Trust • Honesty*
OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

An Equal Opportunity Employer

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Appendix B – TxDOT's ADA Notice

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

AMERICANS WITH DISABILTIES ACT and
SECTION 504 OF THE REHABILITATION ACT OF 1973

NOTICE

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Texas Department of Transportation (TxDOT) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

TxDOT does not discriminate on the basis of disability in its hiring or employment practices and complies will all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

TXDOT will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in TxDOT's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

TxDOT will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in TxDOT offices, even where pets are generally prohibited.

Anyone who requires auxiliary aids or services for effective communication, or a modification of policies and procedures to participate in a program, service or activity of TxDOT, should contact TxDOT's ADA/504 Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

The Americans with Disabilities Act does not require TxDOT to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of TxDOT is not accessible to persons with disabilities should be directed to the ADA/504 Coordinator.

TXDOT will not charge a fee on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids and services or reasonable modifications of policy, such as retrieving items from locations that are open to the public, but are not accessible to persons who use wheelchairs.

Contact Information
Texas Department of Transportation
Civil Rights Division
ADA/504 Coordinator
125 E. 11th Street, Austin, Texas 78704
CIV_ADA@txdot.gov | (512) 416-4700

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OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

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Appendix C – TxDOT's ADA Nondiscrimination Statement

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

AMERICANS WITH DISABILTIES ACT and
SECTION 504 OF THE REHABILITATION ACT OF 1973

NONDISCRIMINATION STATEMENT

The Texas Department of Transportation (TxDOT) does not discriminate against any qualified disabled person solely by reason of his or her disability, exclude from participation in, deny the benefits of, or otherwise subject individuals to discrimination, including discrimination of employment, under any program or activity that receives or benefits from federal financial assistance.

Additionally, TxDOT ensures its programs will be conducted, and its facilities operated, in compliance with all non-discriminatory practices and requirements imposed by or pursuant to 49 Code of Federal Regulations (CFR) Part 27, 28 CFR Part 35 and 42 USC §§ 12101 – 12213.

OUR VALUES: *People • Accountability • Trust • Honesty*
OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

An Equal Opportunity Employer

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Appendix D – Advanced Funding Agreement

CSJ #_____
District #_____
Code Chart 64 #_____
Project:_____
Federal Highway Administration
CFDA Title:_____
CFDA No.:_____
Not Research and Development

STATE OF TEXAS §

COUNTY OF TRAVIS §

LOCAL TRANSPORTATION PROJECT
ADVANCE FUNDING AGREEMENT
For A
[INSERT PROGRAM NAME for Example:
{"Hazard Elimination/Safety Project (Traffic Signals)"}]

THIS Local Project Advance Funding Agreement (LPAFA) is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the "State", and the _____, acting by and through its duly authorized officials, called the "Local Government."

WITNESSETH

WHEREAS, a Master Agreement between the Local Government and the State has been adopted and states the general terms and conditions for transportation projects developed through this LPAFA; and,

WHEREAS, the Texas Transportation Commission passed Minute Order Number _____ that provides for the development of, and funding for, the Project described herein; and,

WHEREAS, the Governing Body of the Local Government has approved entering into this LPAFA by resolution or ordinance dated _____, 20__, which is attached to and made a part of this agreement as Attachment A for the development of the Project. A map showing the Project location appears in Attachment B, which is attached to and made a part of this agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

AGREEMENT

1. **Period of the Agreement**
   The period of this LPAFA is as stated in the Master Agreement, without exception.

2. **Termination of this LPAFA**
   Termination of this LPAFA shall be under the conditions as stated in the Master Agreement. This LPAFA may be terminated by the State if the Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds.

3. **Amendments**
   Amendments to this LPAFA shall be made as described in the Master Agreement, without exception.

4. **Scope of Work**
   The scope of work for this LPAFA is described as _____
   _____.

AFA-LPAFA_ShortGen.doc Page 1 of 10 Revised 10/18/2016

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5. **Right of Way and Real Property**
   Right of way and real property shall be the responsibility of the Local Government as stated in the Master Agreement, without exception.

6. **Utilities**
   Adjustment of utilities will be provided by the Local Government as required and as stated in the Master Agreement, without exception.

7. **Environmental Assessment and Mitigation**
   Environmental assessment and mitigation will be carried out as stated in the Master Agreement. Additionally, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

8. **Compliance with Texas Accessibility Standards and ADA**
   Compliance with Texas Accessibility Standards and the Americans with Disabilities Act (ADA) will be as stated in the Master Agreement, without exception.

9. **Architectural and Engineering Services**
   Architectural and engineering services will be provided by the State as stated in the Master Agreement. The State is responsible for performance of any required architectural or preliminary engineering work. For projects on the state highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the state highway system, the design shall, at a minimum, conform to applicable *American Association of State Highway and Transportation Officials* design standards. The Local Government may review and comment on the work as required to accomplish the public purposes of the Local Government. The State will cooperate fully with the Local Government in accomplishing these local public purposes to the degree permitted by State and Federal law.

10. **Construction Responsibilities**
    Construction responsibilities will be carried out by the State as stated in the Master Agreement.

11. **Project Maintenance**
    Project maintenance will be undertaken as provided for in the Master Agreement, without exception.

12. **Local Project Sources and Uses of Funds**
    A. A Project Budget Estimate is provided in Attachment C. The State and the Federal Government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration. After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for one hundred percent (100%) of the cost of any work performed under its direction or control before the Federal spending authority is formally obligated.

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B. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures and Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.

C. A Source of Funds estimate based on the Transportation Improvement Program (TIP) is also provided in Attachment C. Attachment C shows the percentage and estimated dollar amount to be contributed to the project by federal, state, and local sources. The parties agree that the LPAFA may be amended from time to time as required to meet the funding commitments based on revisions to the TIP, Federal Project Authorization and Agreement (FPAA), or other federal document.

D. The Local Government is responsible for all non-federal and non-state funding, unless otherwise provided for in this agreement or through amendment of this agreement. Where Special Approval has been granted by the State, the Local Government shall only in that instance be responsible for overruns in excess of the amount to be paid by the Local Government.

E. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering for the project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.

F. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation." The check or warrant shall be deposited by the State and managed by the State. Funds may only be applied by the State to the Project. If after final Project accounting any excess funds remain, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.

G. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

H. When Special Approval has been granted by the State so that the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification of those amounts.

I. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Any entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

J. Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party.

K. The Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred, and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.

13. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the Local Government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

14. Incorporation of Master Agreement Provisions

This LPAFA incorporates all of the governing provisions of the Master Agreement in effect on the date of final execution of this LPAFA, unless an exception has been made in this agreement.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

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16. Debarment Certification

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

17. Cost Principles and Office of Management and Budget (OMB) Audit Requirements

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

18. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
_____ _____ _____ _____	Director of Contract Services Texas Department of Transportation 125 E. 11th Street Austin, Texas 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

19. Civil Rights Compliance

A. Compliance with Regulations: The Local Government will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this agreement.

B. Nondiscrimination: The Local Government, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment.

The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this contract and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this contract, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

a. withholding of payments to the Local Government under the contract until the Local Government complies and/or
b. cancelling, terminating, or suspending of the contract, in whole or in part.

F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

20. Disadvantaged Business Enterprise (DBE) Program Requirements

A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.

B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.

C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.

D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas

Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.

E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

21. Federal Funding Accountability and Transparency Act Requirements

A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf and http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf

B. The Local Government agrees that it shall:

1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than $25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: https://www.sam.gov/portal/public/SAM/
2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website http://fedgov.dnb.com/webform; and
3. Report the total compensation and names of its top five (5) executives to the State if:
   i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than $25,000,000; and
   ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

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22. Single Audit Report

A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR 200.

B. If threshold expenditures of $750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division at singleaudits@txdot.gov.

C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the $_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."

D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

23. Pertinent Non-Discrimination Authorities

During the performance of this contract, the Local Government, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.

B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).

C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).

D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.

E. The Age Discrimination Act of 1975, as amended, (49 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).

F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).

G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not).

H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.

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Not Research and Development

I. The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).

J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.

K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).

L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

CSJ #_____
District #_____
Code Chart 64 #_____
Project:_____
Federal Highway Administration
CFDA Title:_____
CFDA No.:_____
Not Research and Development

24. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

_____
Signature

_____
Typed or Printed Name

_____
Title

_____
Date

THE STATE OF TEXAS

_____
Kenneth Stewart
Director of Contract Services
Texas Department of Transportation

_____
Date

CSJ #_____
District #_____
Code Chart 64 #_____
Project:_____
Federal Highway Administration
CFDA Title:_____
CFDA No.:_____
Not Research and Development

ATTACHMENT A
RESOLUTION OR ORDINANCE

CSJ #_____
District #_____
Code Chart 64 #_____
Project:_____
Federal Highway Administration
CFDA Title:_____
CFDA No.:_____
Not Research and Development

ATTACHMENT B
PROJECT LOCATION MAP

CSJ #_____
District #_____
Code Chart 64 #_____
Project:_____
Federal Highway Administration
CFDA Title:_____
CFDA No.:_____
Not Research and Development

ATTACHMENT C
PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS

[INSERT A PROJECT BUDGET AND DESCRIPTION]

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Appendix E – ADA Subrecipient Monitoring and Compliance Survey I

TEXAS DEPARTMENT OF TRANSPORTATION

TxDOT ADA Subrecipient Monitoring and Compliance Survey I

49 Code of Federal Regulations (CFR) Parts 27 and 28 require that all recipients of federal-aid highway funds comply with Section 504 of the Rehabilitation Act of 1973. It states that "no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance." 28 CFR 35 implements the Americans with Disabilities Act of 1990 (ADA), which extended the prohibition of discrimination on the basis of disability to all local agencies, including those that do not receive Federal financial assistance. ADA requirements differ for agencies with 50 or more full-time and part- time employees versus agencies with fewer than 50 full-time and part-time employees. This assessment will address the requirements for both and is a first step for TxDOT to determine subrecipient compliance; help subrecipients understand their ADA/504 responsibilities; and assist TxDOT in planning future training and technical assistance.

* Required field

General Program Requirements

* 1. Agency Information

Organization Name:

Contact:

Email:

Phone: - -

* 2. Does your entity have an ADA Accessibility Transition Plan?

Yes No

Provide a link to the agency's Transition Plan (Click here for more information)

* 2a. Do you have barriers listed in your accessibility plan?

Yes No N/A - We do not have an ADA Accessibility Plan

If yes, how many?

* 2b. Have you removed or corrected barriers listed in your ADA Accessibility Plan?

Yes No N/A - We do not have an ADA Accessibility Plan

If yes, how many?

* 3. Does your entity have an ADA/504 Coordinator?

Yes No

Provide a link (Click here for more information)

* 4. Has your entity drafted and disseminated to participants, applicants, employees, unions, and contractors/consultants a non-discrimination policy statement that states your entity does not discriminate on the basis of disability in admission or access to, or treatment or employment in its programs or activities?

○ Yes ○ No

Provide a link to the agency's non-discrimination policy statement (Click here for more information)

Grievances

* 5. Has your entity adopted a written grievance procedure?

○ Yes ○ No

Provide a link to the agency's written grievance procedure (Click here for more information)

* 6. Which of the following best describes your LPA?

○ 0-15 employees ○ 16-49 employees ○ 50 or more employees

Submit Clear

Appendix F – ADA Subrecipient Monitoring and Compliance Survey II

TEXAS DEPARTMENT OF TRANSPORTATION

TxDOT ADA Subrecipient Monitoring and Compliance Survey II

49 Code of Federal Regulations (CFR) Parts 27 and 28 require that all recipients of federal-aid highway funds comply with Section 504 of the Rehabilitation Act of 1973. It states that "no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance." 28 CFR 35 implements the Americans with Disabilities Act of 1990 (ADA), which extended the prohibition of discrimination on the basis of disability to all local agencies, including those that do not receive Federal financial assistance. ADA requirements differ for agencies with 50 or more full-time and part- time employees versus agencies with fewer than 50 full-time and part-time employees. The ADA Subrecipients Monitoring and Compliance Survey II is a comprehensive assessment that will be used to help TxDOT determine specific areas of subrecipient compliance/noncompliance; evaluate risk factors; help subrecipients understand their ADA/504 responsibilities; and determine if a formal review (desk or on-site) is required as part of the monitoring and compliance process.

* Required field

General Information

Organization Name:

select your organization

Do you have an ADA Coordinator?

Yes No

* 1. ADA Coordinator Name

First Name:

Last Name:

* 2. ADA Coordinator Address:

Street Address:

City:

State: Select a State...

Zip Code:

* 3. ADA Coordinator Email:

* 4. ADA Coordinator Phone Number:

– –

* 5. Contract Period of the Advanced Funding Agreement

Start Date Month... Day... Year...

End Date Month... Day... Year...

Evaluation of Subrecipient Compliance

* 6. Does the subrecipient have a disability nondiscrimination policy that includes the name, title, office address and office telephone number of the ADA/Section 504 Coordinator?

○ Yes ○ No, our Nondiscrimination Policy does not contain those elements ○ Do Not Have a Nondiscrimination Policy

Provide a link to the agency's nondiscrimination policy (Click here for more information)

* 7. Does the subrecipient have a grievance policy and procedure that prohibits discrimination based on disability under any of the subrecipient's programs and activities?

○ Yes ○ No, do not have a Grievance Procedure

Provide a link (Click here for more information)

* 8. Does the subrecipient have proof of public dissemination of its nondiscrimination policy statement?

○ Yes ○ No, do not have proof of public dissemination ○ Do Not Have a Nondiscrimination Policy Statement

Provide a link

* 9. Are the subrecipient's website and telephone services accessible to individuals with sight and hearing impairments?

○ Yes ○ No

Provide a link

* 10. Has the subrecipient completed a self-evaluation of current services, policies and practices to determine necessary modifications to achieve program accessibility?

○ Yes ○ No

Provide a link

* 11. ADA self-evaluation completion and update dates:

○ Do Not Have One ○ Not Required

Date of completion: Month... Day... Year...

Date of last update: Month... Day... Year...

* 12. Has the subrecipient developed and implemented a transition plan or other accessibility plan that outlines which structural modifications must be made to those programs and services that are not accessible?

○ Yes ○ No ○ Not Required

Provide a link (Click here for more information)

* 13. How often does the subrecipient update its ADA transition/accessibility plan?

- Every 3 years
- Every 5 years
- Every 6+ years
- Subrecipient does not have an ADA transition/accessibility plan
- Not Required

If subrecipient does not have an ADA transition/accessibility plan, when does it plan to complete it?

Month... Day... Year...

* 14. If applicable, please provide the date of the last update to the subrecipient ADA Transition Plan:

Do Not Have One Not Required Plan has not been updated

Date: Month... Day... Year...

* 15. Please provide a detailed description of how the subrecipeint made its self-evaluation and/or transition plan available for public inspection or comment.

Do Not Have One Not Required

Characters left: 350

* 16. Please provide a brief description of how the subrecipient monitors its own compliance with the ADA and Section 504.

Characters left: 350

* 17. Does the subrecipient have a signed inventory?

Yes No Not Required

* 18. Does the subrecipient have a management plan for the replacement of signs to meet the Manual on Uniform Traffic Control Devices (MUTCD) reflective guidelines?

Yes No Not Required

Provide a link

* 19. Does the subrecipient have an ADA nondiscrimination policy that prohibits discrimination based on disability that it makes available to contractors, consultants, beneficiaries, etc.?

Yes No, the policy is not made available to contractors, consultants, etc.; Do Not Have nondiscrimination policy

Provide a link

* 20. Does the subrecipient have proof of public dissemination of its ADA nondiscrimination policy that it makes available to contractors, consultants, beneficiaries, etc.?

Yes No, the subrecipient does not have proof of public dissemination Do Not Have Nondiscrimination Policy

Provide a link

* 21. Does the subrecipient's ADA nondiscrimination policy and its corresponding processes include the subrecipient maintaining a complaint log showing all ADA complaints received for the last three years (i.e. numbers, issues involved, how it was resolved)?

Yes No, policy and processes do not include maintenance of a complaint log Do Not Have a Nondiscrimination Policy

Provide a link

* 22. Has any subrecipient staff received any ADA training (formal or informal) within the past year?

Yes No

Provide a link

* 23. Does the subrecipient actively seek out persons with disabilities to participate in public hearings, meetings, open houses, etc.?

Yes No

Provide a link

* 24. Does the subrecipient ensure it holds its public meetings, hearings, open houses, etc. in accessible locations?

Yes No

* 25. Do the subrecipient's public meeting announcements provide notification that auxiliary aids are available upon request?

Yes No

Provide a link

* 26. Does your entity provide auxiliary aids (sign language, interpreters, readers, Braille and large print text) upon request to participants with disabilities?

Yes No

* 27. Has your entity provided accommodations to physically impaired persons needing special assistance?

Yes No

If no, please elaborate

* 28. What region best describes the locality in which your agency performs the majority of its roadway and sidewalk alterations and construction?

Metropolitan Urban Rural

Submit Clear

Appendix G – ADA Subrecipient Compliance Check Survey III

TEXAS DEPARTMENT OF TRANSPORTATION

TxDOT ADA Subrecipient Compliance Check Survey III

49 Code of Federal Regulations (CFR) Parts 27 and 28 require that all recipients of federal-aid highway funds comply with Section 504 of the Rehabilitation Act of 1973. It states that "no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance." 28 CFR 35 implements the Americans with Disabilities Act of 1990 (ADA), which extended the prohibition of discrimination on the basis of disability to all local agencies, including those that do not receive Federal financial assistance. ADA requirements differ for agencies with 50 or more full-time and part- time employees versus agencies with fewer than 50 full-time and part-time employees. This assessment will address the requirements for both and is a first step for TxDOT to determine subrecipient compliance; help subrecipients understand their ADA/504 responsibilities; and assist TxDOT in planning future training and technical assistance.

* Required field

PART A

Risk Assessment - General

* 1. Agency Information

Organization Name: select your organization

Contact:

Email:

Phone: – –

* 2. Subrecipient experience with State or Federal Funds:

○ 5+ years ○ 3-5 years ○ 0-3 years

* 3. Subrecipient experience with specific Grant program:

○ 5+ years ○ 3-5 years ○ 0-3 years

* 4. Management of staff turnover or reorganization that affects this program:

○ No turnover or reorganization ○ Little turnover or reorganization ○ Significant turnover or reorganization

* 5. Experience of staff and management assigned to the program:

○ 5+ years/funding cycles ○ 2-5 years/funding cycles ○ Less than 2 years/funding cycles

* 6. Subrecipient timeliness in document submission (for documents below):

- Applications
- Amendments
- Fiscal or Financial Reporting
- Budgets/Revisions
- Close-out

- A-133 audits and corrective action (if applicable)

○ On time submission of all documents
○ Rarely late or sometimes late on some documents
○ Consistently late on some or all documents

* 7. Subrecipient timely response to program/fiscal questions:

○ Always timely in response ○ Sometimes late in response ○ Consistently late in response

* 8. Complexity of the business environment or program funding/matching requirements:

○ Simple program requirements and operations environment
○ Moderately complex program requirements and operations environment
○ Complex operations environment and program requirements

* 9. Effective written procedures and controls for this program:

○ Formal/written and distributed to employees ○ Informal policies and controls ○ No policies and controls

Provide a link to the formal/written procedures:

Risk Assessment - Overall Fiscal Assessment

* 10. Variations between expenditures and budget:

○ No variations ○ Small variations ○ Large and frequent variations

* 11. Subrecipient amount of budget carryover:

○ No carryover ○ Small amount of carryover ○ Large amount of carryover

* 12. Difficulty meeting matching requirements:

○ No difficulty - Always meets matching requirements
○ Some difficulty - Meets matching requirements most of the time
○ Consistently has difficulty meeting matching requirements

Risk Assessment - Legal Assessment

* 13. Does the subrecipient have or previously had a lawsuit(s) filed against them?

Obtain all necessary documentation if answer is "yes."

○ No previous or current lawsuits

○ Has previously had a lawsuit

Provide a link:

○ Has a lawsuit

Provide a link:

* 14. Subrecipient staff that have been jailed, convicted of a felony or are currently under criminal investigation:

○ No staff jailed, convicted or currently under criminal investigation

○ Has staff that has been jailed, convicted or is currently under criminal investigation

Provide a link:

Risk Assessment - Monitoring/Audit Assessment

* 15. Past Audit findings from the A-133 Audit or any other Internal Audit:

- No material findings
- Some findings, not material

Provide a link:

- Has material findings

Provide a link:

* 16. Have there been any previous audit findings (i.e., other comprehensive audit, Internal Audit)?

- No - No material findings
- Some findings, not material

Provide a link:

- Has material findings

Provide a link:

* 17. Has the subrecipient been debarred or suspended?

- Yes
- No

If so, when? Month... Day... Year...

* 18. Corrective Action Plans (CAP) and Resolution (obtain a copy):

- No CAPs past or current
- Has had CAPs but been resolved on time

Provide a link:

- Has CAPs and not resolved on time

Provide a link:

* 19. On-site monitoring visits:

- Less than one funding cycle has passed since on-site visit
- Less than three funding cycles have passed since on-site visit
- More than three funding cycles have passed since on-site visit

* 20. Abbreviated Compliance Review findings:

- Compliant
- Noncompliant

Risk Assessment - Financial Systems Assessment

* 21. Does the subrecipient have a financial management system in place to track and record program expenditures?

Examples: QuickBooks, Visual bookkeeper, Peachtree, or a Customer Proprietary System

- Yes, has financial management system in place
- No financial management system in place

* 22. Does the accounting system identify the receipts and expenditures of program funds separately for each award?

- Accounting system identifies receipts and expenditures of program funds separately for each award
- Accounting system identifies receipts and expenditures of program funds but does not separate for each award
- Accounting system does not identify receipts and expenditures of program funds

* 23. Does the subrecipient have a time and accounting system to track time and expenditures by cost objective?

- Yes, subrecipient has a time and accounting system to track time and expenditures by cost objective

- Subrecipient has a time and accounting system but does not track time and expenditures by cost objective
- Subrecipient does not have a time and accounting system to track time and expenditures by cost objective

Part B

Requirement #1 Create/develop an accessibility policy

* 1A. Has your entity drafted and disseminated to participants, applicants, employees, unions, and contractors/consultants a non-discrimination policy statement that states that yours does not discriminate on the basis of disability in admission or access to, or treatment or employment in its programs or activities? (28 CFR 35.106 & 49 CFR 27.15)

Yes No

Provide a link:

Comments

Characters left: 350

* 1B. Has your entity modified any policies or practices that do not meet Section 504 according to a schedule or sequence that includes milestones or measures of achievement? (49 CFR 27.11 (c)(2)(iii))

Yes No

Provide a link:

Comments

Characters left: 350

* 1C. Has your Agency taken the appropriate remedial steps to eliminate the effects of any discrimination that resulted from previous policies and practices? (49 CFR 27.11 (c)(2)(iv)

Yes No

Provide a link:

Comments

Characters left: 350

Requirement #2 ADA Nondiscrimination Policy Statement

* 2. Does the non-discrimination policy statement also identify the name, title, and office address and office telephone number of the 504/ADA coordinator? (28 CFR 35.107 (a) & 49 CFR 27.15(a) and (b))

Yes No

Provide a link:

Comments

Characters left: 350

Requirement #3 ADA Nondiscrimination Assurance

* 3. Does your entity provide a written assurance to the STA that it will not discriminate on the basis of disability in the provision of its programs, services, activities, and facilities, and that it will be in compliance with Section 504 and all of its requirements? (49 CFR 27.9)

Yes No

Provide a link:

Comments

Characters left: 350

Requirement #4 ADA Coordinator

* 4. Does your entity have a 504/ADA coordinator? (28 CFR 35.107(a) & 49 CFR 27.13 (a))

Yes No

Provide a link:

Comments

Characters left: 350

Requirement #5 Transition Plan

* 5A. Has your entity developed and implemented a transition plan that outlines which structural modifications must be made to those programs and services that are not accessible? (28 CFR 35.150 (d) & 49 CFR.11)

Yes No

Provide a link:

Comments

Characters left: 350

* 5B. Has your entity also developed a curb ramp installation schedule as part of the transition plan for pedestrian facilities it owns, operated and/or maintains? (28 CFR 35.150 (d)(2))

Yes No

Provide a link:

Comments

Characters left: 350

5C. If so, did your entity provide an opportunity to interested persons, including individuals with disabilities, to participate in transition plan process by submitting comments? (28 CFR 35.150(d)(1) & 49 CFR 27.11 (c)(2))

Yes No

Provide a link:

Comments

Characters left: 350

* 5D. Is the transition plan available for public inspection? (28 CFR 35.150(d)(1) & 49 CFR 27.11)

Yes No

Provide a link:

Comments

Characters left: 350

Requirement #6 Grievance Policy

* 6. Does your entity have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504? (28 CFR 35.107 (b) & 49 CFR 27.13 (b))

Yes No

Provide a link:

Comments

Characters left: 350

Requirement #7 Recordkeeping

* 7. Does your entity keep on file for at least one year all complaints of noncompliance with ADA and 504 received? (49 CFR 27.121(b))

Yes No

Provide a link:

Comments

Characters left: 350

Requirement #8 Auxiliary aids

* 8A. Does your entity provide auxiliary aids (sign language interpreters, readers, braille, and large print text) upon request, to STA program participants with disabilities? (28 CFR 35.160(b)(1) and 49 CFR 27.7 (c))

Yes No

Provide a link:

Comments

Characters left: 350

* 8B. Does your entity notify the public and other interested parties that auxiliary aids will be provided, upon request (e.g. via public meeting announcement)? (28 CFR 35.160(a), 28 CFR 35.163 (a) and 49 CFR 27.7 (c))

Yes No

Provide a link:

Comments

Characters left: 350

* 8C. Are your entity hotlines and other telephone services (311, traffic information) accessible by TTD/TTY phone services? Can hearing impaired individuals contact the STA via TTD/TTY phone lines? (28 CFR 35.161 and 49 CFR 27.7 (c))

Yes No

Provide a link:

Comments

Characters left: 350

Requirement #9 Web Accessibility

* 9. Is your entity website and all of its contents accessible to individuals with hearing or visual impairments? (28 CFR 35.160 (a), 28 CFR 35.163(a), and 49 CFR 27.7 (c))

Yes No

Provide a link:

Comments

Characters left: 350

Requirement #10 Self Evaluation

* 10A. Has your entity conducted a self-evaluation of its current services, policies, and practices, and the effects thereof, to determine necessary modifications to achieve program accessibility? (28 CFR 35.105 & 49 CFR 27.11(c)(2)(i-v))

Yes No

Provide a link:

Comments

Characters left: 350

10B. If so, did your agency provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments? (28 CFR 35.105 (b) & 49 CFR 27.11 (c)(2))

Yes No

Provide a link:

Comments

Characters left: 350

* 10C. Has the subrecipient established a system for periodically reviewing and updating the evaluation? (49 CFR 27.11 (c)(2)(v))

Yes No

Comments

Characters left: 350

Requirement #11 Facilities and Equipment Accessibility

* 11. Does your entity maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities? (28 CFR 35.133)

Yes No

Comments

Characters left: 350

Requirement #12 Monitoring Subrecipients Receiving Federal Aid Assistance

* 12. Does your entity monitor subrecipients who receive federal aid assistance (local governments, contractors, consultants) to ensure compliance with Title II ADA and 504 with respect to state transportation agency (STA) funded (both Federal and State $$) projects and programs that the subrecipients implement? (28 CFR 35.130 (b)(1)(v) & 49 CFR 27.7 (v))

○ Yes ○ No

Comments

Characters left: 350

Requirement #13 Undue Financial or Administrative Burdens

* 13. Does your entity have a process to analyze a project, program, service or benefit for determinations of "undue" financial or administrative burdens, or fundamental alteration to the program, services or benefit that comports with the criteria for making such determination in 28 CFR 35.150 (a)(3) and 28 CFR 35.164?

○ Yes ○ No

Comments

Characters left: 350

Requirement #14 Program Accessibility

* 14. Does your entity have a process to provide access to programs, services and benefits to those with disabilities that comports with 28 CFR 35.150(b)(1)?

○ Yes ○ No

Comments

Characters left: 350

Respond to the following questions only if the Subrecipient is constructing new or modifying existing facilities.

Requirement #15 Building and Facilities

* 15. Does your entity build new facilities and alter existing ones (both pedestrian ROW and STA buildings) in accordance with the American with Disabilities Act Accessibility Guidelines (ADAAG) (PROWAG)(TAS) and Appendix A of 49 CFR 37? (28 CFR 35.151 (c) and 49 CFR 27.3(b))

○ Yes ○ No ○ N/A

Comments

Characters left: 350

Requirement #16 Building and Facilities

* 16. Does your entity have a process and procedure for the installation of accessible features on the pedestrian rights-of-way (curb ramps, accessible pedestrian signals, etc.)? (28 CFR 35.151(c) and 49 CFR 27.3(b))

○ Yes ○ No ○ N/A

Comments

Characters left: 350

Requirement #17 Building and Facilities

* 17. Does your entity provide accessible highway rest areas and pedestrian underpasses, overpasses and ramps that are newly constructed or altered with Federal Aid? (28 CFR 35.151(c) and 49 CFR 27.3(b)), 24 CFR 27.75)

○ Yes ○ No ○ N/A

Comments

Characters left: 350

Requirement #18 Building and Facilities

* 18. Does your entity have the process for making technical infeasibility determination for new construction and alterations that comports with the criteria in ADAAG 4.1.1(5) and 4.1.6(J)? (28 CFR 35.151 (c) and 49 CFR 27.3(b))

○ Yes ○ No ○ N/A

Comments

Characters left: 350

Requirement #19 Building and Facilities

* 19. Does your entity install curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway, when streets, roads, highways or crosswalks are newly constructed or altered, or when the crosswalk is constructed with Federal aid? (28 CFR 35.151 (e)(1)(2) and 49 CFR 27.75 (a)(2))? (28 CFR 35.151 (c) and 49 CFR 27.3(b)), (28 CFR 35.151(e)(1)(2) and 49 CFR 27.75(a)(2))

○ Yes ○ No ○ N/A

Comments

Requirement #20 Building and Facilities

* 20. Is your entity installing detectable warnings in the form of truncated domes in curb ramps when roadways with pedestrian facilities are altered? (ADAAG 4.29 and FHWA policy guidance (May 2002)) (28 CFR 35.151(c) and 49 CFR 27.3(b))

○ Yes ○ No ○ N/A

Comments

Characters left: 350

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Appendix H – ADA Review Follow-up Report of Subrecipient

Texas Department of Transportation

ADA Review Follow-up Report of <the Subrecipient>

Civil Rights Division

October 20, 2017

OVERVIEW

The Texas Department of Transportation's (TxDOT) Civil Rights Division (CIV) provided corrective actions as a result of an ADA review of <the Subrecipient>. This follow-up report summarizes our findings.

ADA REQUIREMENT #1

Create/Develop an Accessibility Policy

_____ A. Subrecipients must draft and disseminate to participants, applicants, employees, unions, and contractors/consultants a non-discrimination policy statement that states that you do not discriminate on the basis of disability in admission or access to, or treatment or employment in its programs or activities. (28 CFR 35.106 & 49 CFR 27.15)

_____ B. Subrecipients must modify any policies or practices that do not meet Section 504 according to a schedule or sequence that includes millstones or measures of achievement. (49 CFR 27.11©(2)(iii))

_____ C. Subrecipients must take the appropriate remedial steps to eliminate the effects of any discrimination that resulted from previous policies and practices. (49 CFR 27.11©(2)(iv))

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #2

ADA/Nondiscrimination Policy Statement (28 CFR 35.107(a) & 49 CFR 27.15(a) and (b))

Subrecipients must have the non-discrimination policy statement identify the name, title, office address and office telephone number of the 504/ADA Coordinator.

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #3

ADA/Nondiscrimination Assurance (49 CFR 27.9)

Subrecipients must provide a written assurance to the STA that it will not discriminate on the basis of disability in the provision of its programs, services, activities, and facilities, and that it will be in compliance with Section 504 and all of its requirements.

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #4

ADA/Section 504 Coordinator (28 CFR 35.107(a) & 49 CFR 27.13(a))

Subrecipients must have a 540/ADA coordinator.

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #5

ADA Transition Plan

_____ A. Subrecipients must develop and implement a transition plan that outlines which structural modification must be made to those programs and services that are not accessible. (28 CFR 35.150(d) & 49 CFR 27.11)

_____ B. Subrecipients must develop a curb ramp installation schedule as part of the transition plan for pedestrian facilities it owns, operates and/or maintains. (28 CFR 35.150(d)(2))

_____ C. Subreciepients must provide an opportunity to interested persons, including individuals with disabilities, to participate in transition plan process by submitting concerns. (28 CFR 35.150(d)(1) & 49 CFR 27.11(c)(2))

_____ D. Subrecipients must have the transition plan available for public inspection. (35.150(d)(1) & 49 CFR 27.11)

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #6

ADA Grievance Policy ((28 CFR 35.107(b) & 49 CFR 27.13(b))

Subrecipients must have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504/ADA.

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #7

Recordkeeping (49 CFR 27.121(b))

Subrecipients must keep on file for at least one year all complaints received of noncompliance with ADA and 504.

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #8

ADA Auxiliary Aids

A. Subrecipients must provide auxiliary aids (sign language interpreters, readers, braille, and large print text) upon request, to STA program participants with disabilities. (28 CFR 35.160(b)(1) and 49 CFR 27.7(c))

_____

B. Subrecipients must notify the public and other interested parties that auxiliary aids will be provided, upon request (e.g., via public meeting announcement). (28 CFR 35.160(a), 28 CFR 35.163(a), and 49 CFR 27.7(c))

_____

C. Subrecipients must have hotlines and other telephone services (511, traffic information) accessible by TTD/TTY phone services. Hearing impaired individuals must be able to contact the STA via TTD/TTY phone lines. (28 CFR 35.161 and 49 CFR 27.7(c))

_____

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #9

Website Accessibility (28 CFR 35.160(a), 28 CFR 35.163(a) and 49 CFR 27.7(c))

Subrecipients must have the entity website and all its contents accessible to individuals with hearing or visual impairments.

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #10

Self-Evaluation

_____ A. Subrecipients must conduct a self-evaluation of its current services, policies, and practices, and the effects thereof, to determine necessary modifications to achieve program accessibility. (28 CFR 35.105 & 49 CFR 27.11(c)(2)(i-v))

_____ B. Subrecipients must provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments. (28 CFR 35.105(b) & 49 CFR 27.11(c)(2))

_____ C. Subrecipients must establish a system for periodically reviewing and updating the evaluation. (49 CFR 27.11(c)(2)(v))

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #11

Facilities and Equipment Accessibility (28 CFR 35.133)

Subrecipients must maintain in operable working conditions those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities.

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #12

Monitoring Subrecipients Receiving Federal Aid Assistance (28 CFR 35.130(b)(1)(v) & 49 CFR 27.7(V))

Entities must monitor subrecipients who receive assistance (local governments, contractors, consultants) to ensure compliance with Title II, ADA and 504 with respect to state transportation agency (STA) funded (both Federal and State $$) projects and programs that the subrecipient implements.

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #13

"Undue" Financial or Administrative Burdens (28 CFR 35.150(a)(3) and 28 CFR 35.164)

Subrecipients must have a process to analyze a project, program, service or benefit for determinations of "undue" financial or administrative burdens, or fundamental alteration to the program, services or benefit that comports with the criteria for making such determination.

<Corrective Action>

<Follow-up>

ADA REQUIREMENT #14

Program Accessibility (28 CFR 35.151(c)(1)(2) and 49 CFR 27.75(a)(2))

Subrecipients must have a process to provide access to programs, services and benefits to those with disabilities.

<Corrective Action>

<Follow-up>

Respond to the following questions only if the Subrecipient is constructing new or modifying existing facilities.

ADA REQUIREMENT #15

Building and Facilities (28 CFR 35.151(c) and 49 CFR 27.3(b))

Subrecipients must provide evidence that supports entity builds, new facilities or alteration of existing ones (both pedestrian ROW and STA buildings) in accordance with the American with Disabilities Act Accessibility Guidelines (ADAAG) (PROWAG) (TAS) and Appendix A of 49 CFR 37.

ADA REQUIREMENT #16

Building and Facilities (28 CFR 35.151(c) and 49 CFR 27.3(b))

Subrecipients must have process and procedure for the installation of accessible features on the pedestrian rights-of-way (curb ramps, accessible pedestrian signals, etc.).

ADA REQUIREMENT #17

Building and Facilities (28 CFR 35.151(c) and 49 CFR 27.3(b)), (24 CFR 27.75)

Subrecipients must provide accessible highway rest areas, pedestrian underpasses, overpasses, and ramps that are newly constructed or altered with Federal aid.

ADA REQUIREMENT #18

Building and Facilities (28 CFR 35.151(c) and 49 CFR 27.3(b))

Subrecipients must have a process for making technical infeasibility determination for new construction and alterations that comports with the criteria ADAAG 41.1(5) and 4.1.6(J).

ADA REQUIREMENT #19

Building and Facilities (28 CFR 35.151(c) and 49 CFR 27.3(b)), (28 CFR 35.151(e)(1)(2) and 49 CFR 27.75(a)(2))

Subrecipients must install curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway, when streets, roads, highways or crosswalks are newly constructed or altered, or when the crosswalk is constructed with Federal aid.

ADA REQUIREMENT #20

Building and Facilities (28 CFR 35.151(c) and 49 CFR 27.3(b))

Subrecipients must install detectable warnings in the form of truncated domes in curb ramps when roadways with pedestrian facilities are altered (ADAAG 4.29 and FHWA policy guidance (May 2002)).

CONCLUSION

Based on the documentation provided, <the Subrecipient> has demonstrated good faith efforts in meeting the requirements of the ADA review. <The Subrecipient> should continue its efforts to have an ADA program to prevent and eliminate discrimination in the programs it administers.

Appendix I – TxDOT Grievance Procedure

TxDOT ADA Accessibility Program
Grievance Policy and Procedures

Texas Department of Transportation

Grievance Procedure under

The Americans with Disabilities Act

The **Grievance Policy and Procedures** are established in accordance with the Americans with Disabilities Act of 1990 (ADA). The policy and procedures may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services by or access to activities, programs or facilities of the Texas Department of Transportation.

Any person who believes that he or she, individually, as a member of the disabled community, has been subject to discrimination prohibited by the Americans with Disabilities Act, Sections 504 or 508 of the Rehabilitation Act of 1973, as amended, may file a complaint with TxDOT. A complaint may also be filed by a representative on behalf of such a person or group.

Complaints shall be submitted in writing and must be signed by the complainant and/or their representative. Complainants can complete TxDOT's external discrimination complaint form in English (**Title VI and ADA Complaint Form**) and in Spanish (**Formulario de Denuncia de Descriminacion Externa**).

The complaint should be submitted by the grievant and/or his or her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

Michael D. Bryant, Director
Civil Rights Division
125 E. 11th Street
Austin, TX 78701
512-416-4700 (Voice)
512-486-5539 (FAX)
1-800-735-2989 (TTY)
7-1-1 (Texas Relay)
Michael.D.Bryant@txdot.gov

Roles and Responsibilities
The Civil Rights Division (CIV) is charged with the primary responsibility of processing ADA external discrimination complaints received by TxDOT. All discrimination complaints received by DDs must be referred to CIV for review and action. CIV processes complaints

Texas Department of Transportation

consistent with FHWA's External Discrimination Complaint Handling Procedures, which includes maintaining a complaint log, using form letters, and its investigative process.

Time frame for Filing Complaints

In order to have the complaint considered under ADA, the complaint must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person(s) became aware of the alleged act(s) of discrimination; or
- Where there has been a continuing course of conduct, the date on which that conduct was discovered.

In either case, TxDOT may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for doing so.

Processing Complaints

Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the alleged discrimination. In the event that a person makes a verbal complaint to a TxDOT employee, that person shall be interviewed by CIV. If necessary, CIV will assist the person in documenting the complaint in writing and submitting the written version to the person for signature.

Within ten (10) days of receipt of the complaint, CIV will acknowledge receipt, inform the complainant of action proposed or taken, and advise the complainant of other avenues of redress available, such as filing with the investigation and Adjudications Unit at FHWA Headquarters Office of Civil Rights and the U.S. DOT.

ADA complaints filed directly with TxDOT against its subrecipients will be processed in accordance with the FHWA approved complaint procedures as required under 23 CFR 200.9(b)(3). However, FHWA has the authority for making all final decisions, including dismissing complaints and issuing letters of findings. All complaints are investigated unless:

- The complaint is withdrawn by the complainant;
- The complainant fails to provide required information after numerous attempts;
- The complaint is not filed timely; or
- The complaint is involving an issue other than discrimination or if the complaint is not based on the disabled protected class.

Complaints filed under ADA with TxDOT in which TxDOT is named as the respondent will be forwarded to FHWA within ten (10) days of receipt of the allegation for processing. The following information will be provided to FHWA:

- Name, address, and phone number of complainant;
- Name(s) and address(es) of alleged discriminating official(s);
- Basis of complaint (i.e., disability, race, color, national origin, sex, age);
- Date of alleged discriminatory act(s);
- Date of complaint received by TxDOT;
- A statement of the complaint;
- Other agencies (state, local or federal) where the complaint has been filed; and
- An explanation of the actions TxDOT has taken or proposed to resolve the issue raised in the complaint.

Investigative Process

Within sixty (60) days of receipt of the complaint, CIV will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to FHWA. FHWA will issue final decisions in all cases, including those complaints investigated by CIV. The complaint will be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings. No information is disclosed with TxDOT personnel or any other party not involved in the investigative process.

Developing an Investigative Plan

An investigative Plan (IP) will be prepared to define the issues and lay out the blueprint to complete the investigation. The IP is used to keep the investigation on track and focused on the issues and sources of evidence or corroboration. The IP outline is as follows:

- Complainant name and contact information, and that of their attorney, if applicable;
- Respondent name and contact information, and that of their attorney, if applicable;
- Applicable laws and regulations;
- Basis of complaint (i.e., disability, race, color, national origin, sex, age);
- Allegation(s)/Issue(s);
- Background
- Interviewee(s) name and contact information;
- Questions for the complainant; respondent, and interviewee(s);
- Evidence to be obtained;
- Estimated investigation timeline; and
- Remedy sought by the complainant(s).

Texas Department of Transportation

Documentation

CIV maintains a complaint log, intake form and activity log to document all activity related to the complaint. **See attachment (s) D.** The information captured on these documents includes:

- Grievance Tracking Number
- Complainant's name and if provided, disability, race, color, age, gender and national origin;
- Respondent's name;
- Basis(es) of the ADA complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Agency/Division/District
- Investigation Activity
- Date the discrimination complaint was filed;
- Date the investigation was completed;
- Disposition/Status
- Disposition date; and
- Other pertinent information.

Preparing the Report of Investigation

A Report of Investigation (ROI) will be prepared setting forth all the relevant facts obtained during the investigation. The ROI will include a finding for each issue and recommendations, where necessary. Documentation regarding any attempts and outcomes that were made to resolve the complaint prior to the initial receipt of the written complaint will be summarized in the ROI. The ROI and recommended decision will be forwarded to the FHWA for a final decision.

Appendix J – TxDOT Grievance Tracker Number Methodology and Tracking Number Log

TxDOT ADA Accessibility Program

ADA Grievance Tracking Number Log

Tracking Number GRV#-Date CIV Rec-Yr Alleged	Complainant	District/Division	Initials
GRV001-10262016-2014	[redacted] – Fredericksburg Road	SAT	jjw
GRV002-11022016-2016	[redacted] - City of Dallas	DAL	jjw
GRV003-12152016-2016	[redacted] – SH 99 & I-10	HOU	jjw
N/A	[redacted] – City of Richardson	DAL	FHWA
GRV004-02232017-__?__	[redacted] *(waiting for information from FHWA)	SAT	jjw
N/A	[redacted] – TxTag – DV	TOD	Informal – jjw/TOD
GRV005-_____-____			
GRV006-_____-____			
GRV007-_____-____			
GRV008-_____-____			
GRV009-_____-____			
GRV010-_____-____			
GRV011-_____-____			
GRV012-_____-____			
GRV013-_____-____			
GRV014-_____-____			
GRV015-_____-____			
GRV016-_____-____			
GRV017-_____-____			
GRV018-_____-____			
GRV019-_____-____			
GRV020-_____-____			
GRV021-_____-____			
GRV022-_____-____			
GRV023-_____-____			
GRV024-_____-____			
GRV025-_____-____			
GRV026-_____-____			
GRV027-_____-____			
GRV028-_____-____			
GRV029-_____-____			
GRV030-_____-____			
GRV031-_____-____			

Texas Department of Transportation

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Appendix K – ADA Grievance Investigation Activity Log

TxDOT ADA Accessibility Program

ADA Grievance Investigation Activity Log

Grievance Tracking No. _____
Complainant: _____
Respondent: _____
Date of Alleged Violation: _____

Date	Status	Initials

Texas Department of Transportation

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Appendix L – ADA Letters and Documents

Texas Department of Transportation

RE: TxDOT Subrecipient Compliance Assessment Tool

To Whom it May Concern,

The Federal Highway Administration requires all State Transportation Agencies to monitor its Subrecipients for compliance with Title VI of the Civil Rights Act of 1964 (Title VI) and the Americans with Disabilities Act (ADA). The Texas Department of Transportation recently developed an online Subrecipient Compliance Assessment Tool (SCAT). All Subrecipients are required to complete the respective surveys for each statutory requirement in the online tool. The surveys must be completed no later than May 18, 2020. Click here to access each survey.

Subrecipients will be notified immediately if the statutory requirements are met as soon as the survey is submitted. A formal letter will be sent which identifies the applicable status, satisfactory or unsatisfactory. All Subrecipients identified as having an unsatisfactory status are required to attend one of the Technical Assistance Regional Workshops which will be held in the following locations:

Date	Location	Schedule	Registration
June 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
June 23, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
July 8, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
July 28, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
August 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
August 20, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register

The regional workshops are open to all Subrecipients. If you have questions, please feel free to contact the Civil Rights Division at (512) 416-4700.

Sincerely,

TxDOT Civil Rights Division

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.4700 | WWW.TXDOT.GOV

Date

LG Contact Name
LG Name
Address
City, State, Zip

Dear:

Thank you for recently completing the ADA Survey I located in the Texas Department of Transportation (TxDOT) Subrecipients Compliance Assessment Tool (SCAT). Your organization _____ has received a **Green or Satisfactory** status.

This means the organization has met the basic criteria for ADA compliance. **All** Local Government Subrecipients are also required to complete ADA Survey II. If you complete ADA Survey II within two weeks from the time you completed ADA Survey I, then _____ will be required to complete and submit ADA Survey III – Compliance Check at the end of a 36-month period rather than an 18-month period.

If you have not completed ADA Survey II and are still within the two-week period, you may complete ADA Survey II by clicking on (insert link). Remember, if _____ completes ADA Survey II beyond the 2-week time, ADA Survey III – Compliance Check must be submitted at the end of the
18-month period.

TxDOT offers technical assistance training to aid Local Governments in becoming or maintaining ADA compliance. Please register to attend one of the following workshops:

Date	Location	Schedule	Registration
June 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register

OUR VALUES: *People • Accountability • Trust • Honesty*
OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

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June 23, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
July 8, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
July 28, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
August 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
August 20, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register

Feel free to contact the TxDOT Civil Rights Division at 512-516-4700 if you have questions or need additional assistance.

Sincerely,

Juanita J. Webber, JD
ADA Compliance Program Administrator

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.4700 | WWW.TXDOT.GOV

Date

LG Contact Name
LG Name
Address
City, State, Zip

Dear:

Thank you for recently completing the ADA Survey I located in the Texas Department of Transportation (TxDOT) Subrecipients Compliance Assessment Tool (SCAT). Your organization _____ has received a **Yellow or Unsatisfactory** status.

This means the organization has not met the basic criteria for ADA compliance. **All** Local Government Subrecipients are also required to complete ADA Survey II. Complete ADA Survey II, if you have not already done so. In addition, _____ is required to attend one of the ADA Subrecipients Technical Assistance Workshop and complete and submit ADA Survey III – Compliance Check at the end of the 18-month period following the completion of ADA Survey I.

TxDOT offers technical assistance training to aid Local Governments in becoming or maintaining ADA compliance. Please register to attend one of the following workshops:

Date	Location	Schedule	Registration
June 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
June 23, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
July 8, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register

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OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

An Equal Opportunity Employer

July 28, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
August 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
August 20, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register

Feel free to contact the TxDOT Civil Rights Division at 512-516-4700 if you have questions or need additional assistance.

Sincerely,

Juanita J. Webber, JD
ADA Compliance Program Administrator

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.4700 | WWW.TXDOT.GOV

Date

LG Contact Name
LG Name
Address
City, State, Zip

Dear:

Thank you for recently completing the ADA Survey I located in the Texas Department of Transportation (TxDOT) Subrecipients Compliance Assessment Tool (SCAT). Your organization _____ has received a **Red or Unsatisfactory** status.

This means the organization has not met the basic criteria for ADA compliance. **All** Local Government Subrecipients are also required to complete ADA Survey II. Complete ADA Survey II, if you have not already done so. In addition, _____ is required to attend one of the ADA Subrecipients Technical Assistance Workshop and complete and submit ADA Survey III – Compliance Check at the end of the 18-month period following the completion of ADA Survey I.

TxDOT offers technical assistance training to aid Local Governments in becoming or maintaining ADA compliance. Please register to attend one of the following workshops:

Date	Location	Schedule	Registration
June 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
June 23, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
July 8, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register

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July 28, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
August 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
August 20, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register

Feel free to contact the TxDOT Civil Rights Division at 512-516-4700 if you have questions or need additional assistance.

Sincerely,

Juanita J. Webber, JD
ADA Compliance Program Administrator

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.4700 | WWW.TXDOT.GOV

Date

LG Contact Name
LG Name
Address
City, State, Zip

Dear:

Thank you for recently completing the ADA Survey II located in the Texas Department of Transportation (TxDOT) Subrecipients Compliance Assessment Tool (SCAT). The following items have been identified as missing or incomplete in the TxDOT Subrecipients Compliance Tool. Your organization _____ must cure these deficiencies prior to the 18-month period when you are required to complete and submit ADA Survey III – Compliance Check.

TxDOT offers technical assistance training to aid Local Governments in becoming or maintaining ADA compliance. Please register to attend one of the following workshops:

Date	Location	Schedule	Registration
June 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
June 23, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
July 8, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
July 28, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register
August 5, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register

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August 20, 2020	Webex	ADA session 8am - 10am Title VI session 10am - 12pm	Register

Feel free to contact the TxDOT Civil Rights Division at 512-516-4700 if you have questions or need additional assistance.

Sincerely,

Juanita J. Webber, JD
ADA Compliance Program Administrator

ADA SURVEY II

Question	Response/URL
6. Nondiscrimination Policy includes Coordinator contact info	
7. Grievance Procedure	
8. Public Dissemination of Nondiscrimination Statement	
9. Web and Telephone Access	
10. Self Evaluation	
11. Self-Evaluation completion/update dates	
12. Transition Plan (TP)	
13. TP update frequency/estimate completed TP date	
14. Date of last update to TP	
15. Description of methodology for Self-evaluation/TP public comment	
16. Description for Monitoring compliance	
17. Signed inventory	
18. Management plan to replace signage (MUTCD)	
19. ADA policy – available for contractors, etc.	
20. Proof of Dissemination to contractors, etc.	
21. Complaint Log	
22. ADA Training	
23. Participation from Disability community	
24. Accessible meeting locations	
25. Public meetings notice & auxiliary aids	
26. Auxiliary aids – accommodation statement	
27. Record of Accommodations made	
28. Region	
NOTES/COMMENTS:	

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.4700 | WWW.TXDOT.GOV

<Date>

CERTIFIED MAIL NO:
RETURN RECEIPT REQUESTED

<Contact>, <Title>
<Subrecipient>
<Address>
<City, State ZIP>

Re: ADA Notification of Review

Dear <Contact>:

TxDOT will be conducting an ADA review of <the Subrecipient>. Under Title 49 Code of Federal Regulations (CFR) Parts 27 and 28, and section 504/508 of the Rehabilitation Act of 1973, TxDOT is required to conduct ADA reviews of subrecipients of federal financial assistance to ensure compliance with the Americans with Disabilities Act of 1990 (ADA) and related regulations. The process includes this official notification, a desk audit, the issuance of a report of findings, and corrective actions, if applicable.

For the desk audit, please submit supporting documentation in response to the enclosed Itemized Listing by <Date>, to CIV_ADA@txdot.gov or to the following address:

Texas Department of Transportation
Civil Rights Division,
125 E. 11th Street
Austin, Texas 78701
Attn: Juanita Webber

The ADA Nondiscrimination Technical Assistance Guide for Subrecipients will assist subrecipients of federal financial assistance in ensuring compliance with the ADA requirements. This guide is available on TxDOT's website at http://www.txdot.gov/inside-txdot/forms-publications/publications/civil-rights.html.

Please contact Juanita Webber, ADA Compliance Program Administrator, at (512) 416-4700 or CIV_ADA@txdot.gov if you have any questions.

Sincerely,

Michael D. Bryant
Director
Civil Rights Division

Enclosure

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Revised 10-04-17

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.4700 | WWW.TXDOT.GOV

<Date>

<Contact>, <Title>
<Subrecipient>
<Address>
<City, State ZIP>

Re: ADA Review Extension Request

Dear <Contact>:

This is to acknowledge receipt of <an e-mail/a letter> dated <Date>, requesting an extension to provide supporting documentation for the ADA review of <the Subrecipient>. Pursuant to this request, TxDOT is extending the deadline. All supporting documentation should be submitted to this office no later than <Date>.

Please contact Juanita Webber, ADA Compliance Program Administrator, at (512) 416-4700 or CIV_ADA@txdot.gov if you have any questions.

Sincerely,

Michael D. Bryant
Director
Civil Rights Division

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Revised 10-04-17

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

<Date>

<Contact>, <Title>
<Subrecipient>
<Address>
<City, State ZIP>

Re: ADA Desk Audit Complete Follow-Up Needed

Dear <Contact>:

TxDOT has completed the desk audit portion of the ADA Review of the City of XXX. Please find the report which summarizes our findings and corrective actions enclosed. Documentation that these corrective actions have been implemented must be submitted to this office for approval within sixty (60) calendar days from the date of this letter.

Please contact Juanita Webber, ADA Compliance Program Administrator, at (512) 416-4700 or CIV_ADA@txdot.gov if you have any questions.

Sincerely,

Michael D. Bryant
Director
Civil Rights Division

Enclosure

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OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

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Revised 10-04-17

ADA CORRECTIVE ACTION CHART

Question	A	B	C	D	Returned	Notes
1. Create/Develop an Accessibility Policy						
2. ADA Nondiscrimination Policy Statement						
3. ADA Nondiscrimination Assurance						
4. ADA Coordinator						
5. Transition Plan						
6. Grievance Policy						
7. Recordkeeping						
8. Auxiliary Aids						
9. Web Accessibility						
10. Self-Evaluation						
11. Facilities & Equipment Accessibility						
12. Monitoring ADA Compliance						
13. Undue Financial Burdens						
14. Program Accessibility						

NOTES/COMMENTS:

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

<Date>

<Contact>, <Title>
<Subrecipient>
<Address>
<City, State ZIP>

Re: ADA Review Complete

Dear <Contact>:

TxDOT has completed the desk audit portion of a review of <the Subrecipient>'s ADA policies and practices. Based on the documentation submitted, TxDOT has determined that <the Subrecipient> is in compliance. Enclosed please find the report which summarizes these findings.

Though this letter officially closes the review, TxDOT encourages <the Subrecipient>to continue efforts to prevent discrimination. TxDOT also encourages self-monitoring those efforts and results to ensure adherence to the requirements outlined in TxDOT's *ADA Technical Assistance Guide for Subrecipients*.

Please contact Juanita Webber, ADA Compliance Program Administrator, at (512) 416-4700 or CIV_ADA@txdot.gov if you have any questions.

Sincerely,

Michael D. Bryant
Director
Civil Rights Division

Enclosure

cc: <Contact, Title, Subrecipient>

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Revised 10-04-17

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125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.4700 | WWW.TXDOT.GOV

<Date>

<Contact>, <Title>
<Subrecipient>
<Address>
<City, State ZIP>

Re: ADA Review Extension Request

Dear <Contact>:

TxDOT recently provided corrective actions after a review of <the Subrecipient>'s ADA policies and practices. Documentation that these corrective actions have been implemented was due to our office within sixty (60) calendar days from the date of the follow-up report. As of today, we have received documentation for <#> of the <#> corrective actions outlined in that report.

Subsequently, on <Date>, <the Subrecipient>'s office requested an extension to provide additional supporting documentation in addressing the remaining corrective actions. <the Subrecipient>'s request has been approved. Please submit the remaining documentation to our office no later than <date>.

Please contact Juanita Webber, ADA Compliance Program Coordinator, at (512) 416-4700 or CIV_ADA@txdot.gov if you have any questions.

Sincerely,

Michael D. Bryant
Director
Civil Rights Division

OUR VALUES: *People • Accountability • Trust • Honesty*
OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

An Equal Opportunity Employer

Revised 10-04-17

Texas Department of Transportation

125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.416.4700 | WWW.TXDOT.GOV

<Date>

<Contact>, <Title>
<Subrecipient>
<Address>
<City, State ZIP>

Re: ADA Audit Complete

Dear <Contact>:

TxDOT recently provided corrective actions as a result of a review of the <the Subrecipient>'s ADA policies and practices. Based on the documentation submitted, TxDOT has determined that <the Subrecipient> is in compliance. Enclosed please find the follow-up report which summarizes these findings.

Though this letter officially closes the review, TxDOT encourages <the Subrecipient> to continue efforts to prevent discrimination. TxDOT also encourages self-monitoring those efforts and results to ensure adherence to the requirements outlined in TxDOT's *ADA Technical Assistance Guide for Subrecipients*.

Please contact Juanita Webber, ADA Compliance Program Administrator, at (512) 416-4700 or CIV_ADA@txdot.gov if you have any questions.

Sincerely,

Michael D. Bryant
Director
Civil Rights Division

Enclosure

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TxDOT ADA Accessibility Program

Training Schedule FY 2019/2020

Audience	Course Name	Date	Duration	Location	Presenter
ADA Liaisons	Effective Communication	Nov. 7-8, 2019	1 ½ days	200 E. Riverside Dr. Austin, TX	Kay Chiodo, Deaf Link Sprint Accessibility Team Nita Webber
	Subrecipients Compliance Monitoring Training	Feb. 20, 2020	2 hours	WebEx	Webber
	Web Accessibility	Apr. 16, 2019	2 hours	WebEx	IMD / New Vendor
	New Reporting Requirements – GIS (tentative)	Sept. 17, 2020	30 min.	WebEx	Transition Plan Consultant
TxDOT Technical Employees and External (Subrecipients)	DES 122	Oct. 10, 2019	1 day	Austin District Office	Krause
		Jan. 14, 2020	1 day	Houston District Office	Krause
		Jan. 28, 2020	1 day	Laredo District Office	Krause
		Feb. 4, 2020	1 day	Dallas District Office	Krause
TxDOT Subrecipients/ Local Governments and Employees	Subrecipients Compliance & Monitoring Training Program (ADA / Title VI)	6/5/20	4 hrs	Webex	CIV – ADA/Title VI
		6/23/20	4 hrs	Webex	CIV – ADA/Title VI
		7/8/20	4 hrs	Webex	CIV – ADA/Title VI
		7/28/20	4 hrs	Webex	CIV – ADA/Title VI
		8/5/20	4 hrs	Webex	CIV – ADA/Title VI
		8/20/20	4 hrs	Webex	CIV – ADA/Title VI
TxDOT Managers and Supervisory Staff* Non-supervisory TxDOT Employees	ADA Title II – Disability Employment Awareness	Complete w/in 60 days of notification	2 ½ hours	ELM	TxDOT

*Complete every two years as part of the EEO requirement.

May 1, 2020 1