



# ADA Subrecipient Technical Assistance Manual

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Civil Rights Division

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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.<sup>1</sup> 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 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 digital online training and one-on-one compliance meetings, as requested.

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  
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125 E. 11th Street  
(512) 486-5503  
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CIV\_ADA@txdot.gov

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<sup>1</sup><http://www.fhwa.dot.gov/legisregs/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.

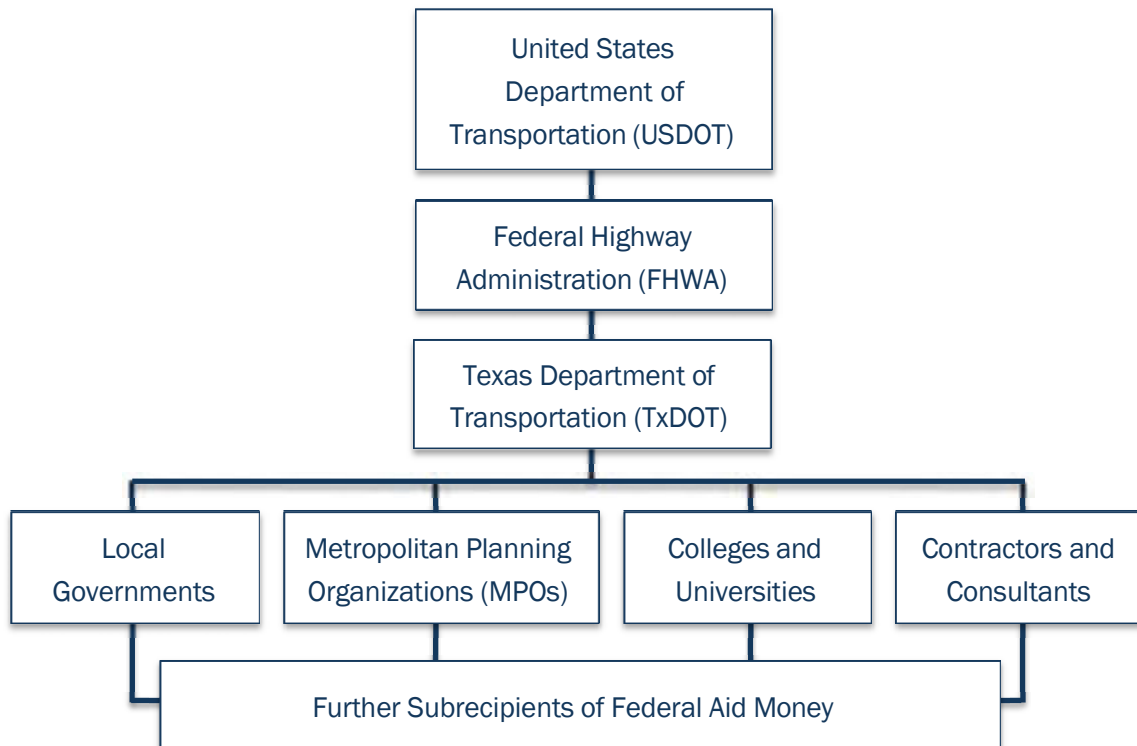
***TxDOT has adopted a policy for subrecipients (with advanced funding agreements with TxDOT) that requests additional information beyond the standard federal requirements. Please see the survey questions for a complete list of information.***

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

<sup>2</sup> <https://www.dol.gov/oasam/regs/statutes/titlevi.htm>

<sup>3</sup> [http://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm)

<sup>4</sup> <https://www.dol.gov/oasam/regs/statutes/sec504.htm>

<sup>5</sup> <https://www.dol.gov/oasam/regs/statutes/sec508.htm>

<sup>6</sup> [https://www.fhwa.dot.gov/environment/environmental\\_justice/legislation/restoration\\_act.cfm](https://www.fhwa.dot.gov/environment/environmental_justice/legislation/restoration_act.cfm)

<sup>7</sup> <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap61-subchapl-sec4601.pdf>

<sup>8</sup> <http://www.gpo.gov/fdsys/granule/USCODE-2011-title23/USCODE-2011-title23-chap3-sec324>

<sup>9</sup> <https://www.fhwa.dot.gov/hep/guidance/superseded/49cfr21.cfm>

<sup>10</sup> <http://www.fhwa.dot.gov/legregs/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 Manager, 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 Manager 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 2022 Transition Plan Update is also available online. Both documents can be viewed online at the TxDOT website.<sup>11</sup>

The updated Transition Plan includes 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 was evaluated to pinpoint barriers that may limit accessibility. Web accessibility and policies and practices were also included in this evaluation.

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 were used as the basis for the Transition Plan. A dynamic severity and activity based ranking system of pedestrian facility components was implemented to prioritize the schedule for barrier removals. The PAI encompassed a comprehensive geometric assessment of on-system curb ramps, sidewalks, and transit stops that were evaluated for compliance based on current standards. However, data can easily be used to evaluate compliance with future standards.

From fall 2020 to spring of 2021, the TxDOT engaged consultants to assist in the assimilation of facility data. The TxDOT owned facilities evaluated were managed by several TxDOT divisions which include Support Services Division, Maintenance Division, Travel Information Division, and two districts with oversight of TxDOT ferries. The scope included collaboration with each appropriate TxDOT division, data collection, analysis, prioritization, electronic gathering, and the organization of the public-facing areas of approximately 58 Safety Rest Areas, 86 General TxDOT Administrative Facilities, 11 Travel Information Centers, and two Ferries (157 Facilities in total).

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.

After TxDOT completed their self-evaluation, recommendations and a schedule for removing barriers were identified and included as part of the updated Transition Plan. A Transition Plan status update was submitted to FHWA in 2022 along with a Transition Plan supplement later that same year, which provided an overview of the public outreach results, and an implementation schedule of projects projected on a four-year cycle. Both of these can be viewed online at the TxDOT website.<sup>12</sup>

<sup>11</sup><https://www.txdot.gov/inside-txdot/forms-publications/publications/eo.html>

<sup>12</sup><https://www.txdot.gov/about/programs/civil-rights/accessibility/2022-ada-self-evaluation.html>

As part of the Transition Plan update, TxDOT developed its TxDOT Accessibility Management Enterprise System (TAMES) Web Application which utilizes TxDOT's Geographic Information System (GIS) data to allow the agency to plan, monitor, and track the remediation of accessibility barriers identified during the updated self-evaluation process. Within the TAMES webapp, TxDOT team members can view compliance details and photos of the condition of ADA features (e.g., sidewalks, ramps, pedestrian signals/push buttons, etc.) within TxDOT's right-of-way and TxDOT's facilities (i.e., physical buildings in Districts and Divisions, Safety Rest Areas, Travel Information Centers, and District Operations Facilities open to the public). TAMES also contains a Compliance Management Module which allows TxDOT's Civil Rights Division to manage its statewide subrecipient monitoring program, ADA grievance and inquiries, and FHWA reporting.

Currently, TxDOT is focused on institutionalizing their ADA program throughout the Agency and executing on the priorities identified in the Transition Plan. Strategic efforts to maximize resources, organize change management, influence continued improvement of the agency's operations, and assist all Divisions and District Operations in creating successful remediation while improving compliance across the state are components of TxDOT's ADA Program strategic goals. These strategic initiatives may take several years of focus and progressive renditions of annual objectives.

## **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, monitoring, and reporting to FHWA the results of the program. 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. Click [here](#) for more information about AFAs. 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, TxDOT subrecipients will be required to complete the ADA Subrecipients Monitoring and Compliance Surveys I, II, and III per the schedule provided to the subrecipient. Not all agencies can be evaluated on the same schedule; with each Phase a new list of Subrecipients is released for monitoring. 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](http://txdot.gov).

### **Definitions**

**Survey I** – Baseline inquiry consisting of six (6) questions designed to provide a preliminary, automated status of green, yellow, red, prior to the more thorough content required in Survey II. Survey I also allows the ADA Program Manager to understand each agency's size by number of employees. (*See Appendix E for Survey I*).

**Survey II** – Survey contains 28 questions designed to gather specific information about the Subrecipient's ADA program. Responses to Survey II will be evaluated for completeness and assess the level of sufficiency of the responses for each Subrecipient (*See Appendix F for Survey II*).

**Survey III** – Survey contains 28 questions designed to assess the updated status of the Subrecipient’s program, report any progress made on the Subrecipient’s ADA program deficiencies identified as part of Survey II. Each agency 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*).

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

**Green Score** – Local Governments will receive an immediate on-screen notice upon completion of Survey I, indicating a preliminary ‘satisfactory status’ with instructions to proceed with Survey II. Please note that responses to Survey II are assessed for completeness and level of sufficiency. Responses must be sufficient to retain the green score. If Survey II is completed within the designated time period of two-weeks, and the Local Government retains a green status, the Local Government will be required to complete Survey III at the end of the 36-month period instead of the 18-month period.

**Red or Yellow Score** – Local Governments will receive an immediate on-screen notice upon completion of Survey I, indicating an “unsatisfactory status” and provided instructions to proceed with Survey II. Additional activities as identified by the Subrecipient 18-Month Compliance Check Standard Operating Procedures will be required. The Local Government will have a designated 18-month period to address ADA program deficiencies identified as part of Survey II and complete Survey III.

**Review Cycles** – A review cycle equals 36 months. Please note, subrecipients entering new Advanced Funding Agreements after May 1, 2023 would begin the review process for Cycle 1 during Phase 2.

**Cycle 1** – May 1, 2023 – May 1, 2026

**Phase 1** – May 1, 2023 – May 1, 2024

**Phase 2** – May 2, 2024 – May 1, 2025

**Phase 3** – May 2, 2025 – May 1, 2026

**Cycle 2** – May 4, 2026 – May 4, 2029

## **Process**

**Step 1:** All subrecipients receive and complete Survey I.

**Step 2:** Subrecipients are provided a preliminary status of green, yellow, or red, based on the automated evaluation of the system.

**Step 3:** All subrecipients, regardless of their preliminary Survey I status are to complete Survey II. Subrecipients are then confirmed as green, yellow, or red status, based on a desktop review of the material provided. Evaluation results will be attached to the Survey II response letter, which communicates final green, yellow, or red status and next steps.

**Step 4:** All subrecipients rated green remain “satisfactory” with ADA and TxDOT required standards for a 36-month period. All subrecipients rated yellow or red will be given 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 I*)

**Step 5:** Subrecipients receive and complete Survey III at the end of their designated period. The TxDOT ADA Program Manager will evaluate whether the Subrecipient is in compliance or requires additional action to reach compliance based on ADA and TxDOT required standards (*See Appendix I*). Subrecipients will be notified of their compliance determination once the responses of Survey III are evaluated.

## On Going ADA Requirement – “Good Faith Efforts”

A subrecipient who completed the ADA Subrecipient Monitoring & Compliance Survey III and received an evaluation response indicating “more action required” or “insufficient response”, may demonstrate “good faith efforts” to the resolution of their deficiencies by submitting the appropriate documentation. Agencies may provide additional information to the subrecipients assigned TxDOT ADA Compliance Specialist for further review.

### “Good Faith Efforts” Definition:

TxDOT Civil Rights Division recognizes that achieving ADA compliance is a journey, not a destination. As public agencies expand and change, so do their policies, practices, services, people, and assets. Maintenance efforts, capital projects, and environmental factors create an ever-evolving effort to design, construct, and remediate sites. Further, it is a challenge to monitor each agency’s program, activity and service as they shift. This is why building your own ADA program strategy that regularly monitors and tracks your own agency’s progress is important.

The ‘ADA Self Evaluation and Transition Plan’, among other requirements of Title II of the ADA, provides a baseline to evaluate a public agency’s commitment to nondiscrimination and equal access. The existence of a report, or a policy, however, is not an adequate measure of a *good faith effort*. In layman’s terms, oversight agencies are generally looking for demonstration and progress vs. completion when creating ADA compliance. *Because environments are ever-changing, no agency will ever fully reach ‘completion’ of an ADA program. To be successful, agencies must evolve through a continuum of progressive action steps.*

Agencies are encouraged to be transparent in the TxDOT survey questionnaires, draft custom responses where appropriate, and showcase progress in each area where policies, practices, data, or reporting are lacking. Because no two agencies have the same deficiencies, each should define a unique action plan to report ‘good faith efforts’ over time. Agencies are encouraged to self-assess, based on the TxDOT Survey responses received and develop strategies and action plans to reflect your good faith efforts in future reporting check points. A ‘green status’ Subrecipient will still experience shifting environments and changes over time and should be prepared to continue with 3-year cycle reporting efforts, so long as an advanced funding agreement is active.

## Subrecipient Obligations & Compliance Enforcement

All public agencies are required to comply with the ADA, which is a civil rights law. Agencies are responsible to fully identify and understand the requirements of the ADA and Section 504. Subrecipients cannot contract away their obligations of compliance. Information provided by TxDOT through this program, including “Good Faith Efforts” definition and other TxDOT guidance does not preclude a Subrecipient from experiencing ADA requests, complaints, or grievances, which can result in formal investigations, legal actions, settlements, or other litigation-related activity. Nothing in this document should be construed as legal advice. This program is designed to help Subrecipients identify vital information to progress its own ADA program, but it is the full responsibility of each individual Subrecipient to meet the federal requirements of the ADA and Section 504. TxDOT is not the enforcer of ADA compliance but is required to report the results of this program to FHWA’s Civil Rights Division in Texas, delegated under USDOT and DOJ for monitoring ADA compliance.

## 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.

***TxDOT has adopted a policy for subrecipients (with advanced funding agreements with TxDOT) that requests additional information beyond the standard federal requirements. Please see the survey questions for a complete list of information.***

The following pages provide specific resources and technical assistance targeting each of the above requirements. TxDOT's goal is to assist all of our subrecipients in advancing and maintaining compliance. Laws and regulations change, and it is each individual entity's responsibility to ensure current requirements are met. 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 be equipped with 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.<sup>15</sup> Nondiscrimination policies should be periodically re-adopted when leadership changes.

### ***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 data collected is the basis for the prioritization schedule in an ADA Transition Plan.

#### Recommendations:

Maintain all self-evaluation data in its raw form. If your records include the actual measurement of each of the various components of a curb ramp, for instance, you may be able to avoid recollection of the information as the regulations change. Electronic, raw data can be reevaluated per new standards. If data is recorded using a 'yes' or 'no' compliance checklist, sites would have to be revisited with changing standards, such as the proposed Public Right-of-Way Accessibility Guidelines (PROWAG). Include the year the asset was built, if you have this information. Making inventory a living database of information, with methods to update and track the information, can help an agency avoid complete recollection in the future.

Evaluate your programs as you do your facilities. Is your website accessible? Are your public meetings? Does your city operate other programs such as leagues and camps? Any and all services, and any owned or operated asset of the Agency must be evaluated.

### ***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.

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<sup>15</sup><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 the 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 is not updated for publication every year. If 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.

### ***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 following PROWAG, (Public Right-of-Way Accessibility Guidelines) is the best practice for public rights-of-way even though they have not been made official as of the date of this publication. U.S. Department of Justice (DOJ) has not yet adopted PROWAG. TxDOT has incorporated PROWAG as standard procedure. 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 H);
- Protect the confidentiality of the complainant;
- Maintain a log of all complaints received; and
- Train employees on your complaint procedure to ensure proper processing of complaints.

**Recommendations:**

Clearly state what constitutes a 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.

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# Appendix A - ADA Assurance




125 E 11th St | Austin, Texas 78701  
512.416.4700  
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.

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10/1/2024

Marc D. Williams, P.E.  
Executive Director  
Texas Department of Transportation

Date

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## Appendix B - ADA Notice




125 E 11th St | Austin, Texas 78701  
512.416.4700  
txdot.gov

### **AMERICANS WITH DISABILITIES 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.

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10/1/2024

Marc D. Williams, P.E.  
Executive Director  
Texas Department of Transportation

Date

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# Appendix C - ADA Nondiscrimination Statement

## Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 – ADA Policy and Public 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 with 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 the 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

Michael D. Bryant, Director  
ADA/504 Coordinator  
Civil Rights Division  
125 E. 11th Street  
Austin, TX 78701  
512-416-4700 (Voice)  
512-486-5539 (FAX)  
7-1-1 (Relay Texas)  
[Michael.D.Bryant@txdot.gov](mailto:Michael.D.Bryant@txdot.gov)



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## Appendix D – Advanced Funding Agreement

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STATE OF TEXAS       §

COUNTY OF TRAVIS   §

### ADVANCE FUNDING AGREEMENT

For

{Insert Program Name}  
{Select On or Off System}

**THIS AGREEMENT** (Agreement) is made by and between the State of Texas, acting by and through the Texas Department of Transportation called the "State", and the {Enter Name of Local Government}, acting by and through its duly authorized officials, called the "Local Government". The State and Local Government shall be collectively referred to as "the parties" hereinafter.

#### WITNESSETH

**WHEREAS**, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

**WHEREAS**, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

**WHEREAS**, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

**WHEREAS**, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

**WHEREAS**, the Texas Transportation Commission passed Minute Order Number {Enter MO #} authorizing the State to undertake and complete a highway improvement or other transportation project generally described as {Enter Description of Improvement}. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

{The following clause is used only when AFA is for preliminary engineering and the project has been authorized for preliminary engineering, but not construction. Otherwise delete this clause.}

**WHEREAS**, the Texas Transportation Commission has not authorized funding for the construction of the highway improvement or other transportation project and the project is not currently listed and approved for construction in the Unified Transportation Program (UTP) or Statewide Transportation Improvement Program (STIP). This Agreement does not represent a

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commitment to future project funding for any project elements, including construction, not specifically outlined in the Agreement. Costs not specifically identified as reimbursable under this Agreement will not be requested or reimbursed.

**WHEREAS**, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated **{Enter Date of Resolution}**, which is attached to and made a part of this Agreement as Attachment C, Resolution, Ordinance, or Commissioners Court Order (Attachment C). A map showing the Project location appears in Attachment A, Location Map Showing Project (Attachment A), 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 set forth in this Agreement, it is agreed as follows:

#### AGREEMENT

**1. Responsible Parties:**

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1.	<b>{Select Responsible Party}</b>	Utilities	Article 8
2.	<b>{Select Responsible Party}</b>	Environmental Assessment and Mitigation	Article 9
3.	<b>{Select Responsible Party}</b>	Architectural and Engineering Services	Article 11
4.	<b>{Select Responsible Party}</b>	Construction Responsibilities	Article 12
5.	<b>{Select Responsible Party}</b>	Right of Way and Real Property	Article 14

**2. Period of the Agreement**

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

**3. Scope of Work**

The scope of work for the Project consists of **{Enter Scope of Work}**

***{Delete Guidance:}*** In addition to the description of work, the SOW should include the highway name, number, or designation and the start and end points (i.e., mile marker, landmark, etc.).

***Example of Scope of Work:*** Installation of a traffic signal at US 281 at the intersection of Kennedy Avenue and Joann Lane, and installation of a flashing beacon at the intersection of FM 311 and Dakota Road as shown on Attachment A. }

**4. Project Sources and Uses of Funds**

The total estimated cost of the Project is shown in Attachment B, Project Budget (Attachment B) which is attached to and made a part of this Agreement.

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- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed 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" and retains qualification in accordance with applicable TxDOT procedures. Upon request, 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 continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.
- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment B. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, 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 (FHWA). 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 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment B shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government.



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- F. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
- I. 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 B. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State 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 cost.
- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
- K. 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" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
- L. The State will not pay interest on any funds provided by the Local Government.
- M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
- N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
- O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, 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.

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- P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
- Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement 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. An 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.
- R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

**5. Termination of This Agreement**

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

**6. Amendments**

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

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**7. Remedies**

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

**8. Utilities**

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

**9. Environmental Assessment and Mitigation**

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, 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.

**10. Compliance with Accessibility Standards**

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

**11. Architectural and Engineering Services**

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The



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engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. 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 (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

#### 12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will

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be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

**13. Project Maintenance**

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

**14. Right of Way and Real Property**

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

**(If Local Government is responsible, include the following language. If State is responsible, delete the following language.)**

The Local Government shall be responsible for the following:

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.
- B. If the Local Government is the owner of any part of the Project site under this Agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this Agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and



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- P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
  - Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement 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. An 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.
  - R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.
- 5. Termination of This Agreement**  
This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:
- A. The Agreement is terminated in writing with the mutual consent of the parties;
  - B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
  - C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
  - D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
  - E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.
- 6. Amendments**  
Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

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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.

**16. 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:
{Enter Name of LG}	Texas Department of Transportation
ATTN: {Enter Position Title}	ATTN: Director of Contract Services
{Enter Mailing Address}	125 E. 11 <sup>th</sup> Street
{Enter City, State, Zip}	Austin, TX 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.

**17. Legal Construction**

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

**18. Responsibilities of the Parties**

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

**19. Ownership of Documents**

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government.

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**20. Compliance with Laws**

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

**21. Sole Agreement**

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

**22. Cost Principles**

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.

**23. Procurement and Property Management Standards**

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

**24. Inspection of Books and Records**

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

**25. Civil Rights Compliance**

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties 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 Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including



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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 Agreement 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 Agreement 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 FHWA, 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 Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
  - 1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
  - 2. cancelling, terminating, or suspending of the Agreement, 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.

**26. Pertinent Non-Discrimination Authorities**

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

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- 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, (42 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.
- 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.).

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**27. Disadvantaged Business Enterprise (DBE) Program Requirements**

If federal funds are used:

- 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 incorporate into its contracts with subproviders 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 submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government 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](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.*

**28. Debarment Certifications**

If federal funds are used, 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



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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 Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

**29. Lobbying Certification**

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**30. Federal Funding Accountability and Transparency Act Requirements**

If federal funds are used, the following requirements apply:

- 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

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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 federal government to track the distribution of federal money. The DUNS 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 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.

31. **Single Audit Report**

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- 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 by email at [singleaudits@txdot.gov](mailto: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.



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**32. Signatory Warranty**

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

Each party is signing this Agreement on the date stated under that party's signature.

**THE STATE OF TEXAS**

**THE LOCAL GOVERNMENT**

\_\_\_\_\_  
Signature

Kenneth Stewart  
Typed or Printed Name

Director of Contract Services  
Typed or Printed Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Title

\_\_\_\_\_  
Date

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**ATTACHMENT A**  
**LOCATION MAP SHOWING PROJECT**

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## ATTACHMENT B PROJECT BUDGET

[Insert a Project Budget and Description]

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**ATTACHMENT C**  
**RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER**

AFA LongGen

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Attachment C



## TxDOT ADA Subrecipient Monitoring & 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 (Section 504). As a recipient, the State of Texas is responsible for ensuring that its subrecipients comply with Section 504. 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) and Section 504, which extended the prohibition of discrimination on the basis of disability to all local agencies, including those that do not receive Federal financial assistance. Some ADA administrative 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.

### Agency Information:

Organization Name:\*

Organization Type:\*

☐ Local Government

☐ MPO

☐ College or University

☐ Consultant

☐ Contractor

Contact:\*

Email:\*

Phone:\*

(999) 999-9999

### General Program Requirements

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

[\(Click here for more information on Question 2\)](#)

☐ Yes

☐ No

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

[\(Click here for more information on Question 3\)](#)

☐ Yes

☐ No

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?\*

[\(Click here for more information on Question 4\)](#)

☐ Yes

☐ No

### Grievances

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

[\(Click here for more information on Question 5\)](#)

☐ Yes

☐ No

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

[\(Click here for more information on Question 6\)](#)

☐ 0-15 employees

☐ 16-49 employees

☐ 50 or more employees

Submit

Powered by ArcGIS Survey123

TxDOT ADA Subrecipient Monitoring and Compliance  
Survey II

49 Code of Federal Regulations (CFR) Parts 27 and 28 require that all recipients of federal-agency funds comply with Section 504 of the Rehabilitation Act of 1973 (Section 504). As a recipient, the State of Texas is responsible for ensuring that its subrecipients comply with Section 504. 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." 29 CFR 35 implements the Americans with Disabilities Act of 1990 (ADA) and Section 504, which extended the prohibition of discrimination on the basis of disability to all local agencies, including those that do not receive Federal financial assistance. Some ADA regulatory 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 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.

## General Information

Organization Name: \*

-Please select-

Do you have an ADA Coordinator?\*

☐ Yes ☒ No

### 5. Contract Period of the Advanced Funding Agreement

Start Date\*

MM/DD/YYYY

End Date★

MM/DD/YYYY

### 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?\*

[\(Click here for more information on Question 6\)](#)

☐ Yes

☒ No, our Non-discrimination Policy does not contain those elements

☐ Do not have a Non-discrimination Policy

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?

[\(Click here for more information on Question 7\)](#)

☐ Yes

☐ No, do not have a Grievance Procedure

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 Non-discrimination Policy Statement

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

☐ Yes ☒ No

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

☐ Yes ☐ No ☐ Not Required

11. If subrecipient has completed an ADA self-evaluation when was it completed and has it been updated?\*

- ☐ Yes, Self-Evaluation Completed
- ☐ Yes, Self-Evaluation Completed and Updated
- ☐ Do Not Have One
- ☐ Not Required

12. Has the subrecipient developed and implemented an ADA Accessibility Transition Plan or other Accessibility Plan that outlines which structural modifications must be made to those programs and services that are not accessible?\*

[Click here for more information on Question 12](#)

☐ Yes ☐ No ☐ Not Required

13. How often does the subrecipient update its ADA Accessibility Transition Plan or other Accessibility Plan?\*

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

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

- ☐ The subrecipient ADA Transition Plan has been updated
- ☐ Do Not Have One
- ☐ Not Required
- ☐ Plan has not been updated

15. Please provide a detailed description of how the subrecipient made its self-evaluation and/or ADA Accessibility Transition Plan or other Accessibility Plan available for public inspection or comment.\*

- ☐ Subrecipient has an ADA Self-Evaluation and/or an ADA Transition Plan.
- ☐ Do not have one
- ☐ Not Required

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

17. Does the subrecipient have a signed inventory?\*

[Click here for Question 17 regulations: 28 CFR 35.150\(d\)\(2\)- 28 CFR 35.150\(d\)\(3\)\(e\)- 28 CFR 35.105 \(g\)](#)

☐ 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?\*

[Click here for Question 18 regulations: 28 CFR 35.150\(d\)\(2\)- 28 CFR 35.150\(d\)\(3\)\(e\)- 28 CFR 35.105 \(g\)](#)

☐ Yes ☐ No ☐ Not Required



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

☐ Yes

☐ No, the policy is not made available to contractors, consultants, etc.

☐ Do not have a nondiscrimination policy

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

☐ Yes

☐ No, the subrecipient does not have proof of public dissemination.

☐ Do not have a nondiscrimination policy

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)?<sup>\*</sup>

☐ Yes

☐ No, policy and processes do not include maintenance of a complaint log

☐ Do not have a nondiscrimination policy

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

27. Has your entity provided accommodations to physically impaired persons needing special assistance?<sup>\*</sup>

☐ Yes

☐ No

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


☐ Metropolitan

☐ Urban

☐ Rural

Submit

# Appendix G – ADA Subrecipient Monitoring and Compliance Survey III



## TxDOT ADA Subrecipient Monitoring and Compliance 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 (Section 504). As a recipient, the State of Texas is responsible for ensuring that its subrecipients comply with Section 504. 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) and Section 504, which extended the prohibition of discrimination on the basis of disability to all local agencies, including those that do not receive Federal financial assistance. Some ADA administrative 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 III is a comprehensive assessment that will be used to help TxDOT determine specific areas of subrecipient compliance/noncompliance; evaluate risk factors; and help subrecipients understand their ADA/504 responsibilities.

### General Information

Organization Name:\*

Please select ▼

Do you have an ADA Coordinator?\*

☐ Yes ☐ No

### Evaluation of Subrecipient Compliance

5. Does the subrecipient have a disability Nondiscrimination Policy and Public Notice that includes the name, title, office address, and office telephone number of the ADA/Section 504 Coordinator?\*

[\(Click here for more information on Question 5\)](#)

☐ Yes

☐ No, our Nondiscrimination Policy and Public Notice does not contain all elements

☐ Do not have a Nondiscrimination Policy

6. Does the subrecipient have a signed Nondiscrimination Statement and proof of public dissemination?\*

[\(Click here for more information on Question 6\)](#)

☐ Yes

☐ Do not have a Nondiscrimination Policy Statement

☐ No, do not have proof of public dissemination

☐ Not Required

7. 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 a nondiscrimination policy

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

[\(Click here for more information on Question 8\)](#)

☐ Yes

☐ No, do not have a Grievance Procedure

9. Does the subrecipient's ADA Nondiscrimination Policy and its corresponding processes include the subrecipient maintaining a complaint log showing all ADA complaints received (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

10. Does your entity provide a written assurance, signed by leadership, to TxDOT 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 its requirements? (49 CFR 27.9)\*

[\(Click here for more information on Question 10\)](#)

☐ Yes

☐ No

☐ N/A

11. Has the subrecipient completed a Self-Evaluation of current services, policies, and practices to determine necessary modifications to achieve program accessibility?\*

☐ Yes

☐ No

12. If the subrecipient has completed an ADA Self-Evaluation when was it completed and has it been updated?\*

☐ Yes, Self-Evaluation Completed

☐ Yes, Self-Evaluation Completed and Updated

☐ Do Not Have One

☐ Not Required

13. Has the subrecipient developed and implemented an ADA Accessibility Transition Plan or other Accessibility Plan that outlines which structural modifications must be made to those programs and services that are not accessible?\*

[\(Click here for more information on Question 13\)](#)

☐ Yes

☐ No

14. How often does the subrecipient update its ADA Accessibility Transition Plan or other Accessibility Plan?\*

☐ Every 3 years

☐ Every 5 years

☐ Every 6+ years

☐ Future Plan updates are not yet determined

☐ Subrecipient does not have an ADA transition/accessibility plan

☐ Not Required

15. If applicable, please provide the date of the last update to the subrecipient ADA Accessibility Transition Plan or other Accessibility Plan:\*

☐ The subrecipient ADA Transition Plan has been updated

☐ Do Not Have One

☐ Not Required

☐ Plan has not been updated

16. Please provide a detailed description of how the subrecipient made its self-evaluation and/or ADA Accessibility Transition Plan or other Accessibility Plan available for public inspection or comment.\*

☐ Subrecipient has an ADA Self-Evaluation and/or an ADA Transition Plan.

☐ Do Not Have One

☐ Not Required

17. Does the subrecipient have a signed inventory?\*

[Click here for Question 17 regulations: 28 CFR 35.150\(d\)\(2\); 28 CFR 35.150\(d\)\(3\)\(a\); 28 CFR 35.105\(a\)](#)

☐ Yes ☐ No ☐ Not Required

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

1500

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

[Click here for Question 19 regulations: 28 CFR 35.150\(d\)\(2\); 28 CFR 35.150\(d\)\(3\)\(a\); 28 CFR 35.105\(a\)](#)

☐ Yes ☐ No ☐ Not Required

20. Does your entity have a process for making technical infeasibility determinations for new construction and alterations that ensures that projects are designed to the maximum extent feasible per the guidance in ADAAG and/or PROWAG (28 CFR 35.151 (c) and 49 CFR 27.3(b))?\*

☐ Yes ☐ No ☐ N/A

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

☐ Yes ☐ No

22. 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 adheres to the criteria for making such determination in 28 CFR 35.150 (a)(3) and 28 CFR 35.164?\*

☐ Yes ☐ No ☐ N/A

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

☐ Yes ☐ No

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

☐ Yes ☐ No

25. Does your entity provide auxiliary aids (e.g., sign language, interpreters, readers, braille, large text, etc.) upon request to participants with disabilities?\*

☐ Yes ☐ No

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

☐ Yes ☐ No

27. Is the subrecipient making their website and digital applications accessible per the Department of Justice's new rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments?\*

☐ Yes ☐ No

28. Has any subrecipient staff received ADA training (formal or informal) that prepares them to better serve the public within the past year?\*

☐ Yes ☐ No

Submit

# Appendix H - Grievance Procedure



## Texas Department of Transportation Grievance Policy and Procedures under The Americans with Disabilities Act (ADA)

This Grievance Procedure is established in accordance with the Americans with Disabilities Act of 1990 (ADA). It 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 (TxDOT).

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 submitted shall be in writing and must be signed by the complainant and/or the representative. Complainants can complete TxDOT's External Discrimination Complaint Form available on TxDOT's website in English and Spanish.

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. 11<sup>th</sup> Street Austin, TX 78701  
512-416-4700 (Voice)  
512-486-5539 (FAX)  
7-1-1 (Texas Relay)  
[Michael.D.Bryant@txdot.gov](mailto: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 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).

### **Documentation**

CIV maintains a complaint log, intake form and activity log to document all activity related to the complaint. 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.



## **Appeals**

The Department of Justice (DOJ) Title II regulation requires a public entity that employs 50 or more persons to “adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part,” but it does not mention specifically what the grievance procedures should include. 28 CFR 35.107(b). Specifically, 28 CFR 35.107(b)(4) requires the entity to have an appeals process. TxDOT’s grievance appeals process is as follows:

1. Complainant may appeal outcome within 10 days of the decision. He/she must:
  - (a) Complete form (under development) to request an appeal.
  - (b) Submit to Appeals Team for review (to be identified by Director of Civil Rights Division).
2. The Appeals Team must review the reason for the appeal. Consider the following.
  - (a) Violation with no resolution,
  - (b) Violation with a resolution but time of barrier removal is unreasonable, and
  - (c) Do not agree with the resolution.
3. The Appeals Team reviews the request to:
  - (a) Determine if Agree/Disagree,
  - (b) Provide rationale & supportive documentation, and/or
  - (c) Provide new alternatives.
4. The Appeals Team returns the request to ADA Compliance Administrator/District/Division whichever is applicable to:
  - (a) Make necessary changes
  - (b) Provide the response to the Complainant
5. The ADA Administrator informs the Complainant of the decision.





**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 16, 2024.** Click [here](#) to access each survey.

**Please ensure the correct person receives this email. If you are not the coordinator/designee for the ADA or Title VI programs within your organization.**

Subrecipients will be notified immediately if the statutory requirements are met as soon as the survey is submitted. A letter will be emailed which identifies the applicable status, satisfactory or unsatisfactory. All Subrecipients identified as having an unsatisfactory status are required to attend the Subrecipient Technical Assistance Workshops which is available in recorded format and can be viewed at any time. To access the training video, please click on the link below. You will be required to register to gain access to the video.

[ADA Subrecipient Technical Assistance Workshop](#)

The 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



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

{Date}

{OrgADAContact}, {OrgADATitle}  
{OrgName}  
{OrgAddress}  
{CityNum}, TX, {OrgZipCode}

Dear {OrgADAContact}:

Thank you for recently completing the ADA Survey I located in the Texas Department of Transportation (TxDOT) Subrecipients Compliance Assessment Tool (SCAT). Your organization, {OrgName} 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 {OrgName} 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 Survey II is not completed within this two-week time period, the deadline for submitting Survey II is 90 days from when Survey I was completed.

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 [this link to TxDOT's Subrecipient Resources web page](#). Remember, if {OrgName} 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. Subrecipient Technical Assistance Workshops are available in recorded format and can be viewed at any time. To access the training video, please click on the link below:

[ADA Subrecipient Technical Assistance Workshop](#)

You will be required to register to gain access to the video and will receive a certificate of completion once you've had the opportunity to do so. The Civil Rights Division will be notified when the training has been completed. Additionally, one-on-one technical training is also available upon request.

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

{OrgADAContact}

2

{Date}

Feel free to contact the TxDOT Civil Rights Division at 512-416-4700 if you have questions or need additional assistance.

Sincerely,

Texas Department of Transportation  
Civil Rights Division  
ADA Compliance Team

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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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{Date}

{OrgADAContact},

{OrgADATitle}

{OrgName}

{OrgAddress}

{CityNum}, TX, {OrgZipCode}

Dear {OrgADAContact}:

Thank you for recently completing the ADA Survey I located in the Texas Department of Transportation (TxDOT) Subrecipients Compliance Assessment Tool (SCAT). Your organization, {OrgName} has received a **Yellow or Red (i.e., 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, {OrgName} is required to attend one of the ADA Subrecipients Technical Assistance Workshop and complete and submit ADA Survey III at the end of the 18-month period following the completion of ADA Survey I.

Technical assistance training to aid Local Governments in becoming or maintaining ADA compliance is required for entities that receive an unsatisfactory status (Yellow or Red). Please register to attend the technical assistance training.

Subrecipient Technical Assistance Workshops are available in recorded format and can be viewed at any time. To access the training video, please click on the link below:

[ADA Subrecipient Technical Assistance Workshop](#)

You will be required to register to gain access to the video and will receive a certificate of completion once you've had the opportunity to do so. The Civil Rights Division will be notified when the training has been completed. Additionally, one-on-one technical training is also available upon request.

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{OrgName}

2

{Date}

Feel free to contact the TxDOT Civil Rights Division at 512-416-4700 if you have questions or need additional assistance.

Sincerely,

Texas Department of Transportation  
Civil Rights Division  
ADA Compliance Team

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{Date}

{OrgADAContact}, {OrgADATitle}  
{OrgName}  
{OrgAddress}  
{CityNum}, TX, {OrgZipCode}

Dear {OrgADAContact}:

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, {OrgName} must cure these deficiencies prior to the 36 Month-month period when you are required to complete and submit ADA Survey III.

TxDOT offers technical assistance training to aid Local Governments in becoming or maintaining ADA compliance. Subrecipient Technical Assistance Workshops are available in recorded format and can be viewed at any time. To access the training video, please click on the link below:

[ADA Subrecipient Technical Assistance Workshop](#)

You will be required to register to gain access to the video and will receive a certificate of completion once you've had the opportunity to do so. The Civil Rights Division will be notified when the training has been completed. Additionally, one-on-one technical training is also available upon request.

Feel free to contact the TxDOT Civil Rights Division at 512-416-4700 if you have questions or need additional assistance.

Sincerely,

Texas Department of Transportation  
Civil Rights Division  
ADA Compliance Team

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.*

An Equal Opportunity Employer

## 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:	



125 E 11th St | Austin, Texas 78701  
512.463.8588  
txdot.gov

{Date}

{OrgADAContact}, {OrgADATitle}  
{OrgName}  
{OrgAddress}  
{CityNum}, TX, {OrgZipCode}

Dear {OrgADAContact}:

Thank you for recently completing the ADA Survey III located in the Texas Department of Transportation (TxDOT) Subrecipients Compliance Assessment Tool (SCAT). The attached table communicates TxDOT's satisfactory findings identified as part of the TxDOT Subrecipients Compliance Tool survey evaluation. Please see the attached "Good Faith" document regarding necessary continued action for {OrgName}.

TxDOT offers technical assistance training to aid Local Governments in becoming or maintaining ADA compliance. A Subrecipient Technical Assistance Workshop is available in recorded format and can be viewed at any time. To access the training video, please click on the link below. You will be required to register to gain access to the video.

[ADA Subrecipient Technical Assistance Workshop](#)

Other one-on-one technical assistance is available upon request.

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 Manager

## ADA Survey III

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



## Appendix J – Subrecipient Compliance Assessment Tool Flow Chart

