AMERICAN DISABILITIES ACT (ADA) REPORTING

DALLAS DISTRICT

April 12, 2017
The Texas Department of Transportation’s mission is to ensure that every program, service, benefit, activity and facility open to the public is fully accessible and usable by people with disabilities. The Americans with Disabilities Act covers many issues from workplace services to public transportation accommodations. Access and awareness are keys to ensuring the needs of disabled citizens are met. TxDOT staff developed a plan for reporting and will discuss how the agency provides opportunities to assist those with disabilities in its planning activities and how citizens can take an active role in making changes.

**Purpose of the ADA**

Extends protection to persons with disabilities against discrimination in the private sector and in state and local government

Assures equality of opportunity, full participation, independent living, and economic self-sufficiency to persons with disabilities
Protection Under the ADA

3 Protects individuals defined as disabled through Section 504:

   3 Physical or mental impairment that substantially impacts on one or more major life activities

   3 Record of such impairment

   3 Regarded as having such an impairment
Eliminating Barriers to Places of Public Accommodation for People with Disabilities.

* Expanding Equal Opportunities for People with Disabilities.

* Develop a communication program, with the help of PIO, regarding TxDOT’s ADA Program, to include outreach to the ADA communities.

  * Develop a reporting system.

  * Have an ADA Training system available to the employees.
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Texas Department of Transportation

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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, II, 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.

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 discrimination, including discrimination of employment, under any program or activity that receives or benefits from this federal financial assistance. TxDOT further assures that its programs will be conducted, and its facilities operated, in compliance with all the requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC §§ 12101 - 12213.

James M. Gamez
Executive Director

2/8/17 Date
- Increase awareness of TxDOT's ADA Accessibility Program throughout the department and state.
- Improve internal and external communications about TXDOT's ADA Accessibility Program.
- Increase public participation during the Design, Planning and Development phases.
- Develop and maintain ADA training to employees, recipients and subrecipients.
- Develop and maintain a grievance process that is consistent with the U.S. Department of Justice and U.S. Department of Transportation's ADA accessibility requirements.
- Create a sub-recipient monitoring program that is consistent with Federal Highway Administration's requirements.
## ADA Reporting: CHART

### District/Division: Dallas District

<table>
<thead>
<tr>
<th>Americans with Disabilities Act (ADA)/Section 504</th>
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<tbody>
<tr>
<td># of barriers identified in the STA ADA Transition Plan</td>
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<tr>
<td># of barriers corrected in the STA ADA Transition Plan</td>
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<tr>
<td># of barriers observed in facilities during daily operations</td>
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<td># of barriers removed in facilities during daily operations</td>
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<tr>
<td># of accommodations requested</td>
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<tr>
<td># of accommodations provided</td>
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<tr>
<td># of planned outreach events</td>
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<tr>
<td># of completed outreach events</td>
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<tr>
<td># of Accessibility Committee meetings planned</td>
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<tr>
<td># of Accessibility Committee meetings completed</td>
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<tr>
<td># of planned training sessions</td>
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<tr>
<td># of completed training sessions</td>
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<tr>
<td># of complaints filed with the STA ADA Coordinator</td>
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<tr>
<td># of completed investigations</td>
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<tr>
<td># of planned Subrecipient reviews</td>
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<tr>
<td># of completed Sub-recipient reviews</td>
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</tbody>
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Title I of the Americans with Disabilities Act of 1990 prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including State and local governments. It also applies to employment agencies and to labor organizations.
Title II: Public Accommodation

Title III: Public Accommodations

✓ Applies to:

✓ Hotels and motels
✓ Bars and restaurants
✓ Theaters and museums
✓ Stores and shopping centers
✓ Hospitals and professional offices
✓ Amusement parks and zoos
✓ Nurseries and private schools
✓ Day care centers and homeless shelters
✓ Gyms and health clubs
Title II: Public Services

- Protects against discrimination in public transportation
  - Includes rail or bus services
  - Excludes air travel
  - Includes intercity or commuter rail services
  - Excludes public school transportation
Title IV: Telecommunications

✓ Phone companies are required to provide telecommunication access for persons with hearing and speech disabilities

✓ System of relay services

✓ Television stations are required to provide close-captioning for public service announcements

Not required for television program
Title V: Miscellaneous

1) Allows states to be sued under the ADA

2) Permits payment of attorney/expert witness fees

3) Prohibits coercion and retaliation

4) 

5) Does not invalidate laws that provide greater protection

6) Encourages alternative methods of resolutions
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