



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

July 22, 2011

Ms. Janice W. Brown
Division Administrator
Federal Highway Administration
300 East 8th Street, Room 826
Austin, Texas 78701

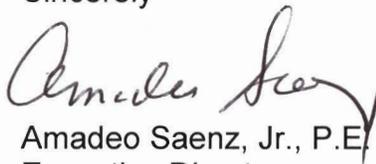
Dear Ms. Brown:

In accordance with 28 CFR § 35.107 and 49 CFR § 27.13, I am designating George A. Ebert, as the Texas Department of Transportation's (TxDOT) Title II ADA/Section 504 Coordinator. Mr. Ebert will be directly responsible for all aspects of the ADA/504 Program. Below is the contact information.

Mr. George A. Ebert
Interim Director, Office of Civil Rights
Texas Department of Transportation
125 East 11th Street
Austin, Texas 78701
(512) 416-4700 – Office
(512) 416-4711 – Fax
George.Ebert@TxDOT.gov

Please feel free to contact Mr. Ebert if you require additional information.

Sincerely



Amadeo Saenz, Jr., P.E.
Executive Director

cc: Mark Arrington, Civil Rights Program Manager – FHWA

THE TEXAS PLAN

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**Texas Department of Transportation
Section 504 – Rehabilitation Act of 1973 &
The Americans with Disabilities Act of 1990**

POLICY STATEMENT

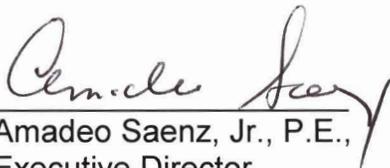
The Texas Department of Transportation (TxDOT) will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities, including hiring and employment activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA).

For the purpose of this policy, a disabled person is defined as any person who:

- Has a physical or mental impairment that substantially limits one of more major life activities,
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

In the event TxDOT distributes federal funds to other agencies, the department will ensure Section 504/ADA language is written into all agreements and will monitor these agreements for compliance. TxDOT's Office of Civil Rights is responsible for monitoring all Section 504/ADA activities. The director of the Office of Civil Rights has been appointed to coordinate the Section 504/ADA provisions of 49 CFR § 27.13. The Office of Civil Rights may be contacted at (512) 416-4700.

For the purposes of this policy, the terms "handicapped" and "disabled" will be considered synonymous as will the terms "Section 504" and "ADA." This policy in no way obviates or affects the department's responsibilities for compliance with applicable state laws.


Amadeo Saenz, Jr., P.E.,
Executive Director,
Texas Department of
Transportation.

AUTHORITIES

- Section 504 of the Rehabilitation Act of 1973, as amended, provides that , "No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

- 29 USC 794 (October 29, 1992 amendment to the Rehabilitation Act of 1973) substitutes “a disability” for “handicaps” and a “disability” for “handicap.”
- 49 CFR § 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance.”
- 49 CFR § 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, “This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.”
- 28 CFR § 35 (Judicial Administration) states that: “The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.
- 49 CFR § 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) state, “The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no other wise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
- 49 CFR § 28-140 (Employment) state that, “(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department, “and “(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.”
- 29 CFR § 1613 (Equal Employment Opportunity in the Federal Government) state that: “It is the policy of the Government of the United States ... to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.”
- 42 USC § 12101 – 12213 (The Americans with Disabilities Act of 1990) state that: “No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”

**Texas Department of Transportation
Section 504 – Rehabilitation Act of 1973 &
The Americans with Disabilities Act of 1990**

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and Titles I and II of the Americans with Disabilities Act of 1990 (ADA), the Texas Department of Transportation, desiring to avail itself of federal financial assistance from the US Department of Transportation, 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 in employment, under any program or activity that receives or benefits from this federal financial assistance.

The Texas Department of Transportation 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.

**Texas Department of Transportation
ADA/504 Notice of Nondiscrimination**

The Texas Department of Transportation (TxDOT) does not discriminate on the basis of disability in its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of its operations. TxDOT also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information regarding the ADA and Section 504 may be forwarded to:

ADA/504 Coordinator
Texas Department of Transportation
Office of Civil Rights
125 E 11th Street
Austin, Texas, 78701
512-416-4700 (voice)
512-416-4711 (fax)