



## TxDOT ADA Subrecipient Compliance Check Survey III

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

**Please, answer all questions contained in this survey.**

### Part A

#### **Risk Assessment – General**

##### ***1. Agency Information***

***Organization Name:***

***Contact:***

***Email:***

***Phone Number:***

(999) 999-9999

**2. Subrecipient experience with State or Federal Funds:**

- 5+ years
- 3-5 years
- 0-3 years

**3. Subrecipient experience with specific grant program:**

- 5+ years
- 3-5 years
- 0-3 years

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

- No turnover or reorganization
- Little turnover or reorganization
- Significant turnover or reorganization

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

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

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

- Applications
  - Amendments
  - Fiscal or Financial Reporting
  - Budgets/Revisions
  - Close-out
  - A-133 audits and corrective action (if applicable)
- On time submission of all documents
  - Rarely late or sometimes late on some documents
  - Consistently late on some or all documents

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

- Always timely in response
- Sometimes late in response
- Consistently late in response

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

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

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

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

***Please provide a link to the subrecipient's formal/written procedures and controls.***

**Risk Assessment – Overall Fiscal Assessment**

**10. Variations between expenditures and budget:**

- No variations
- Small variations
- Large and frequent variations

**11. Subrecipient amount of budget carryover:**

- No carryover
- Small amount of carryover
- Large and frequent variations

**12. Difficulty meeting matching requirements**

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

**Risk Assessment – Legal Assessment**

**13A. Does the subrecipient currently have a lawsuit(s) filed against them?**

- Yes
- No

***If “Yes”, please provide a link to files on the current lawsuit.***

**13B. Has the subrecipient previously had a lawsuit(s) filed against them?**

- Yes
- No

***If “Yes”, please provide a link to all necessary documentation on the previous lawsuit.***

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

- No staff jailed, convicted or currently under criminal investigation
- Has staff that has been jailed, convicted or is currently under criminal investigation

***If staff has been jailed, convicted or is currently under criminal investigation, please provide a link to the investigation files.***

**Risk Assessment – Monitoring/Audit Assessment**

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

- No findings
- Some findings, not material

Has material findings

***Please, provide a link to files for any past audit findings from the A-133 Audit or any other Internal Audit***

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

No findings

Some findings, not material

Has material findings

***Please, provide a link to files for any previous audit findings.***

***17. Has the subrecipient been debarred or suspended?***

Yes

No

***If "Yes, please provide the date when this occurred.***

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

No CAPs past or current

Has had CAPs but been resolved on time

Has CAPs and not resolved on time

***Please, provide a link to files on the CAPs.***

***19. On-site monitoring visits:***

Less than one funding cycle has passed since on-site visit

Less than three funding cycles have passed since on-site-visit

More than three funding cycles have passed since on-site visit

**20. Abbreviated Compliance Review finding:**

- Compliant
- Non-Compliant

**Risk Assessment – Financial Systems Assessment**

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

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

- Yes
- No

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

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

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

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

**Part B**

**Requirement #1 Create/develop an accessibility policy**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

### **Requirement #2 ADA Nondiscrimination Policy Statement**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

### **Requirement #3 ADA Non-discrimination Assurance**



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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

#### **Requirement #4 ADA Coordinator**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

#### **Requirement #5 Transition Plan/Accessibility Plan**

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

Yes

No

**If “Yes”, please provide a link to a file documenting this.**

**Comments:**

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

Yes

No

**If “Yes”, please provide a link to a file documenting this.**

**Comments:**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

***Comments:***

***5D. Is the Transition Plan/Accessibility Plan available for public inspection? (28 CFR 35.150(d)(1) & 49 CFR 27.11)***

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

***Comments:***

## **Requirement #6 Grievance Policy**

***6. Does your entity have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504?***

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

**Requirement #7 Recordkeeping**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

**Requirement #8 Auxiliary Aids**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

**Requirement #9 Web Accessibility**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

**Requirement #10 Self-Evaluation**

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

Yes

No

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

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

Yes

No

**If “Yes”, please provide a link to a file documenting this.**

**Comments:**

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

Yes

No

**Comments:**

## Requirement #11 Facilities and Equipment Accessibility

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

Yes

No

**Comments:**

## Requirement #12 Monitoring Subrecipients Receiving Federal Aid Assistance

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

Yes

No

**Comments:**

## Requirement #13 Undue Financial or Administrative Burdens



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

Yes

No

**Comments:**

#### **Requirement #14 Program Accessibility**

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

Yes

No

**Comments:**

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

#### **Requirement #15 Building Facilities**

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

Yes

No

N/A

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

### **Requirement #16 Building and Facilities**

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

Yes

No

N/A

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

## Requirement #17 Building and Facilities

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

- Yes
- No
- N/A

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

## Requirement #18 Building and Facilities

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

- Yes
- No
- N/A

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**

**Requirement #19 Building and Facilities**

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

Yes

No

N/A

***If "Yes", please provide a link to a file documenting this.***

**Comments:**

**Requirement #20 Building and Facilities**

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

Yes

No

N/A

***If “Yes”, please provide a link to a file documenting this.***

**Comments:**