

Subrecipients ADA Program 'Good Faith Effort' Guidance:

TxDOT Civil Rights Division is a state agency division that monitors its subrecipients of federal funding and reports the progress of subrecipients (SR) to FHWA or other federal agencies requesting that information. The Division offers many guiding documents with information about the SR monitoring and tracking program. TxDOT's survey response process provides the SR a letter communicating 'green, yellow, or red' status, with specific targets for milestone meetings, narrative updates, and future survey schedules.

This 'Good Faith Effort' document provides informal guidance and additional framework as your agency considers steps toward ADA compliance, which it will report to TxDOT over time.

We recognize 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 accessibility. 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' SR 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.

Example ADA Program Check: see samples of 'self-assessing' your survey -- NOT literal criteria for status results

	deficient / need action			gaps / take more action			on track / implement			keep progressing					
ADA Coord															
Nondiscrim. policy	x	x	x	x	x										
Grievance policy	x	x	x	x	x	x									
public dissemination	x	x	x	x	x	x									
holds meetings - accessible locations	x	x	x	x	x	x									
public meetings announcements;	x	x	x	x	x	x									
updated self-eval															
updated transition plan															
public outreach															
provides auxiliary aids															
complaint logs															
ADA training logs															
effective comm plan															
website accessible															
monitors compliance															
mgmt. plan MUTCD															
nondiscrim-contracts															
tracks barrier removal															
metrics based tracking															

Review your survey results. Where can you check or not check the boxes? What other gaps do you have relating to compliance? Which questions were well covered? Where are there gaps in practices? Regardless of green, yellow, red status - take steps.

Self-assess through TxDOT’s Survey responses. Identify your areas of opportunity. Develop plans & take progressive actions.

Through Surveys, Compliance Check Meetings, Milestone Calls, Narrative Reports: show Good Faith Efforts

"Green" Status does not mean an SR has fully reached compliance. Reporting and efforts must continue.

Disclaimer:

TxDOT does not assess the overall effectiveness of subrecipients’ ADA programs or the subrecipients’ level of compliance with the Americans with Disabilities Act (the ADA). The Red, Yellow, and Green status designations are based upon best practices established by TxDOT and guidance from federal agencies and should not be interpreted as an assurance of ADA compliance under federal law. Subrecipients are solely responsible for ensuring compliance with federal regulations. TxDOT does not provide legal guidance. Any policies, procedures, practices or information conveyed through the subrecipient monitoring program are provided to implement progress in ADA accessibility. No documents or communications from TxDOT should be considered legal advice.