

### **Q: What is the ADA?**

The Americans with Disabilities Act (ADA) is a Civil Rights Law enacted by President George H. Bush on July 26, 1990. The law protects the rights of people with disabilities from discrimination. Title II of the ADA requires that State and Local Governments ensure that their programs, activities, and services are available to people living with disabilities. "Programs" include elements such as sidewalk, curb ramps, bus stops, facilities with public areas, safety rest areas, travel information centers, ferries, and websites owned or operated by TxDOT.

### **Q: What is an ADA Transition Plan and why is it necessary?**

When the ADA was enacted, it was recognized that the existing infrastructure and facilities would not meet the requirements set forth to achieve ADA compliance. The Federal Government requires that States and Local Governments with 50 or more employees complete a self-evaluation to identify the physical barriers which prevent the public from accessing the services, programs, and activities offered and create a transition plan to outline how the physical barriers identified through the self-evaluation will be removed.

### **Q: Why are there elements in public rights-of-way that are non-compliant?**

There are many factors that affect public rights-of-way. Much of the infrastructure was also built prior to the ADA. While the Americans with Disabilities Accessibility Guidelines (ADAAG) have been in place since 1991, the guidelines for the public right-of-way have not yet been enacted into law. Not having clearly defined standards has led to confusion in the past on what is required. To help alleviate this confusion, TxDOT has incorporated the use of the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (formerly known as PROWAG) as standard procedure. Once PROWAG is enacted into law, the Federal Highway Administration (FHWA) will adopt the standard. Until then, the FHWA has advised that PROWAG should be considered a best practice especially in areas not addressed by the most current standards (ADAAG). Other reasons include changing environments. Public rights of way are exposed to natural elements which can degrade materials over time or cause changing conditions in sidewalks or ramp systems. Updating public rights-of-way can sometimes also require collaboration with other agencies, such as utility companies and transit authorities, or may require creative solutions when TxDOT does not own adequate public rights-of-way to quickly resolve compliance issues.

### **Q: What has TxDOT done so far?**

- Developed an ADA Transition Plan in 2004,
- Began updating its inventory in 2015 for this project,
- Assigned ADA liaisons to each District and Division of TxDOT,
- Includes ADA upgrades in alternation projects being designed and constructed,
- Follows TDLR process, which requires an ADA inspection of newly built infrastructure,
- Holds regular public outreach meetings by district, and specific to accessibility for new facility construction projects, such as the new TxDOT Headquarters building.
- Improvements are constantly happening, even with the update to the self-evaluation project underway. Since the beginning of this project, TxDOT has continued to construct or remediate curb ramps, sidewalk, accessible pedestrian signals (APS), connectivity to bus stops, buildings, and improve various TxDOT sites. This project, once complete, will allow TxDOT to better prioritize future remediation efforts.

### **Q: What are the next steps?**

Once the public outreach comments are gathered, we will prioritize the work and create short-term and long-term implementation projects. The ADA Transition Plan will be a living document that will be updated on a regular cycle to reflect work that was remediated throughout the year and to add future projects to the implementation schedule.

**Q: Is TxDOT required to make all of their facilities ADA compliant?**

TxDOT is required to ensure that all members of the public can participate in and benefit from their services, activities, and programs when viewed in its entirety. This requirement does not necessarily require TxDOT to make each of their facilities physically accessible or accessible in their entirety. However, through this public outreach process and continuing communication with the Texas community, TxDOT will utilize public comments to guide all accessibility efforts.

**Q: Are sidewalks required by the ADA?**

Many residents find it surprising that the ADA does NOT require sidewalks. The ADA requires that sidewalks be accessible if they are built.

**Q: Why is there no sidewalk at my bus stop?**

Bus stops are planned, controlled, and installed by transit authorities. TxDOT does not oversee the placement of bus stops. The installation of sidewalk connectivity to bus stops requires coordination. TxDOT has guidelines and regulations that establish the requirements necessary for the installation of pedestrian infrastructure. The self-evaluation data will provide information on bus stop locations, which will help to prioritize where improvements are needed. If residents have specific locations of concern, the Public Outreach survey feedback is helpful to prioritize these improvements.

**Q: How can I provide comments to TxDOT about this project or to make a request?**

Your comments are important to us. Please use the [public outreach survey](#) to provide feedback.

**Other possible questions/answers may be found here on FHWA's website:**

[https://www.fhwa.dot.gov/civilrights/programs/ada/ada\\_sect504qa.cfm](https://www.fhwa.dot.gov/civilrights/programs/ada/ada_sect504qa.cfm)