



ADA - TITLE VI - ENVIRONMENTAL JUSTICE

This chapter describes the programs, processes, and design standards in place to meet the agency's goals of promoting accessibility and preventing discrimination in compliance with federal regulation. TxDOT's processes comply with the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, and Executive Orders 12898, 13166, 14008, and 14096.

Americans with Disabilities Act (ADA) Compliance

TxDOT is committed to creating accessible programs, policies, services, and facilities in accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. The ADA is a federal civil rights law that mandates equal opportunity for individuals with disabilities. It prohibits discrimination against people with disabilities in jobs, public accommodations, government services, public transportation, and telecommunications. Title II of the ADA requires state and local governments to make their programs and services accessible to persons with disabilities (28 CFR 35.149-35.151). This requirement extends not only to physical access at government facilities, programs, and events, but also to pedestrian facilities in public rights-of-way. The TxDOT Accessibility Policy and Grievance Policy and Procedures can be viewed on TxDOT's [Accessibility](#) webpage.

TxDOT is required by regulations under Title II of the ADA and Section 504 of the Rehabilitation Act to assess its services, policies, and practices as part of a self-evaluation; to modify any policies or practices that discriminate against people with disabilities; and to develop a transition plan identifying any physical changes to facilities that are necessary to achieve “program access.”

TxDOT developed an initial ADA Transition Plan in 2004 and since then has constructed many improvements and has remediated many locations across the state to advance accessibility and provide for public access. An updated [ADA Self-Evaluation and Transition Plan](#) was completed in February 2022 that included an assessment of TxDOT's public rights-of way (sidewalks, curb ramps, bus stops, and pedestrian signals), facilities (safety rest areas, TxDOT administrative facilities, travel information centers, and ferries), and the TxDOT website.

The ADA Transition Plan sets forth the priorities for upcoming years, with longer-term planning processes identified.

Because TxDOT has significant infrastructure in the public rights-of-way, safety rest areas, travel information centers, government buildings, and websites, it is not possible to remove all barriers to accessibility immediately. Barriers will be removed systematically to ensure equality among TxDOT programs. It is the intent of TxDOT to address barriers to accessibility on an on-going basis. Implementing improvements is contingent upon immediate necessity, degree of complexity, overall cost, and budget approval.

TxDOT plans ADA improvements on a four-year cycle and utilizes any funding mechanism available to incorporate necessary remediation into projects. TxDOT does not rely on transportation alternative funds to complete ADA remediation projects. Category 10 funds (Supplemental Transportation Programs) are a primary source of dedicated funding in addition to traditional project financing.

All ADA remediation is subject to biennium budget approval and those funds identified in the STIP. A federally approved STIP is required for projects to be eligible for federal funding under Title 23 USC and Title 49 USC, Chapter 53 which includes projects subject to ADA improvements.



TxDOT Comprehensive Accessibility Program (TCAP)

The Comprehensive Accessibility Program (TCAP), completed in 2021, includes a geospatial inventory of all noncompliant pedestrian accessible elements contained within the Pedestrian Access Inventory database (PAI). The PAI, completed in June 2021, comprises ADA assets within the public right-of-way. This system allows planners, designers, and maintenance personnel access to information to make informed decisions related to ADA deficiencies and program remediation work.



Public Involvement

All TxDOT public meetings are conducted in accordance with ADA requirements so that people with disabilities have an equal opportunity to participate. All public notices make this affirmative assurance and provide contact information and deadlines for requesting reasonable accommodation. Persons requiring alternative forms of communication including interpreters, alternate formats of print documents related to public hearings, open house events, or any other event where the public may be invited may contact the TxDOT event sponsor via telephone or email.



Design Standards

In 1992, TxDOT began using the Department of Justice's (DOJ) ADA Accessibility Standards. In November 2006, U.S. DOT adopted new [ADA Standards for Transportation Facilities \(ADASTF\)](#). In 2010, DOJ adopted revised ADA Standards for buildings and sites. TxDOT has been proactive about meeting or exceeding these federal accessibility standards in developing its state specifications and standards. The TxDOT Design Standards have been revised to meet the 2006 ADASTF and the [2011 Guidelines for Accessible Public Rights-of-Way \(PROWAG\)](#).

As of May 15, 2017, the Texas Department of Licensing and Regulation began allowing the use of the PROWAG for projects in the public rights-of-way. This rule change allows TxDOT to use the PROWAG as its de facto 'standards.' TxDOT's Design Division has also published guidance on the installation of curb ramps and sidewalks ([ADA Curb Ramp and Sidewalk Guidance](#)).



Title VI Compliance/ Environmental Justice

As a recipient of federal financial assistance from the FHWA, TxDOT is required to comply with Title VI of the Civil Rights Act of 1964 (Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities of any entity that receives federal assistance. Other related regulations prohibit discrimination based on sex, age, and disability. Discrimination is an action or inaction, intentional or not, through which any beneficiary, solely because of race, religion, color, national origin, sex, age, or disability that has been subjected to unequal treatment or impacts.

The following Executive Orders place further emphasis on preventing discrimination:

- Executive Order 12898 (1994), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” addresses disproportionately adverse environmental, social and economic impacts that may exist in communities, specifically with minority and low-income populations.
- Executive Order 13166 (2000), entitled “Improving Access to Services for Persons with Limited English Proficiency,” addresses improving access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.
- Executive Order 14008 (2021) and Executive Order 14096 (2023), entitled “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” outlines the Justice40 Initiative, with a goal that at least 40% of the benefits from certain Federal grants, programs, and initiatives flow to disadvantaged communities.

Title VI/ Nondiscrimination Program

TxDOT’s Fiscal Year 2024 Title VI/ Nondiscrimination Plan and information on filing a Title VI complaint can be found on TxDOT’s [Title VI/Nondiscrimination Program](#) webpage.

TxDOT’s Title VI/Nondiscrimination Program has been established in accordance with federal rules under 23 CFR Part 200 and falls within the scope and responsibilities of the Civil Rights Division (CIV). The CIV Director serves as TxDOT’s Title VI/Nondiscrimination Coordinator. With support from TxDOT’s Administration, the CIV Director is responsible for all aspects of TxDOT’s Title VI/Nondiscrimination Program. CIV works with liaisons from TxDOT’s 25 districts and 34 divisions to help ensure nondiscrimination in the delivery of TxDOT’s programs and activities.

Internal Title VI reviews are performed annually as a Title VI questionnaire. TxDOT’s priority program area divisions and select district offices submit an annual Title VI questionnaire for review by CIV. Once the Title VI data is collected, the data is analyzed for identifying patterns of discrimination or the potential for discrimination. Each priority program area is responsible for analyzing the data collected and recommending corrective action, as appropriate, to CIV.



Subrecipient Monitoring

In addition to the internal monitoring program, TxDOT is responsible for developing and implementing an effective external monitoring program. In accordance with 23 CFR, 200.9(b)(7), CIV conducts reviews of cities, counties, planning agencies, and other recipients of Federal-Aid Highway Program funds, known as subrecipients. The [subrecipient compliance assessment tool](#) (SCAT) was developed as a resource to assist subrecipients in understanding and complying with the requirements of Title VI and related nondiscrimination laws and regulations.



Public Involvement

In 2011, TxDOT adopted a public involvement policy that committed to purposefully involve the public in planning and project implementation by providing for early, continuous, transparent and effective access to information and decision-making processes. TxDOT's [Public Involvement Section](#) provides guidance and resources to assist TxDOT districts and divisions in effectively engaging the public.

TxDOT regularly updates guidance to reflect evolving best management practices and incorporate strategies found to be effective in encouraging broad participation reflective of the needs of the state's population. Details about TxDOT's guidance for meaningful engagement, including engaging Environmental Justice and Limited English Proficiency populations, can be found on TxDOT's [Strategic Public Engagement Guidance](#) webpage.

TxDOT's [Language Assistance Plan](#) was developed to assist the districts and divisions in their efforts to provide information and services that are accessible to individuals by providing guidance on translation, interpretation, and outreach services for Limited English Proficiency individuals seeking access to TxDOT programs.





Statewide and Regional Planning

Transportation planning in Texas, at both state and regional levels, includes processes to seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.

As part of the [Connecting Texas 2050 Plan](#), TxDOT established a Public Outreach Plan which served as its roadmap for communicating with the Texas public and stakeholders, and for reaching traditionally underserved groups including disabled, low-income, minority, and non-English speaking populations. Stakeholder workshops and public open houses afforded Texans the opportunity to weigh in on key plan elements such as goals, objectives, funding needs, emerging transportation issues, and investment strategies.

During development of each MTP, each MPO follows their own process for ensuring compliance with Title VI, the Environmental Justice Executive Order, and the Limited English Proficiency Executive Order. This process must also ensure that transportation programs in the region address the effects of all plans, programs, and policies on disadvantaged populations. More information can be found on the individual MPO websites.



Project Specific Analysis

Although transportation plans and programs are not subject to the environmental review process under the National Environmental Policy Act (NEPA), once projects advance from long-range plans into the UTP, project-level NEPA evaluation and coordination occurs.

The TxDOT Environmental Affairs Division has developed a [Community Impacts Assessment Toolkit](#) which contains guidance and tools for compliance with NEPA, Title VI, the Environmental Justice Executive Order, and the Limited English Proficiency Executive Order. Individual projects are analyzed for opportunities to minimize impacts to low-income and minority communities, identify potential for disproportionately high and adverse human health or environmental effects, and considers potential mitigation strategies to address impacts, where applicable. TxDOT's NEPA process includes public involvement with specific outreach strategies for meaningful engagement with traditionally underserved and Limited English Proficiency communities.

