

## 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 equal access. 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 or if seeking to enter future advance funding agreements or participation in TxDOT projects.

*See Sample images on page 2 for a visual reference to the process of assessing and defining a plan for the SR's Good Faith Effort.*

## TxDOT ADA Accessibility Program

**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															
Nondiscrimination policy	x														
Grievance policy	x														
public dissemination	x														
holds meetings - accessible locations	x														
public meetings announcements;	x														
updated self-eval															
updated transition plan															
public outreach															
provides auxiliary aids															
complaint logs															
ADA training logs															
effective comm plan															
website accessible															
monitors compliance															
mgt plan MUTCD															
Nondiscrimination - 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, and Narrative Reports: show Good Faith Efforts**

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