

- SUBJECT:** Review of TxDOT projects for accessibility to disabled persons
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 7 ayes — Alexander, Siebert, Edwards, Hamric, Hawley, Hill, Uher  
0 nays  
2 absent — Y. Davis, Noriega
- WITNESSES:** For — None  
Against — Lee Redmond, Coalition of Texans with Disabilities  
On — Robert Wilson, Texas Department of Transportation
- BACKGROUND:** Art. 9102, VTCS, requires the Texas Department of Licensing and Regulation (TDLR) to adopt standards to eliminate unnecessary barriers to the use of buildings and facilities encountered by people with disabilities. The article applies to the following structures:
- ! buildings or facilities used by the public that were built or substantially renovated after January 1, 1970, with the use of funds from the state or any of its political subdivisions;
  - ! buildings leased or rented by the state under an agreement entered into after January 1, 1972;
  - ! privately funded buildings or facilities defined as public accommodation by the federal Americans with Disabilities Act of 1990 (ADA) that were built or substantially renovated after January 1, 1992;
  - ! privately funded buildings or facilities defined as commercial facilities by ADA that were built or substantially renovated after September 1, 1993; and
  - ! buildings and facilities built in the state or leased or rented for the use of the state using federal funds.
- DIGEST:** HB 2598 would require the Texas Department of Transportation (TxDOT) to review plans and specifications for each project funded in whole or in part by the department for compliance with standards under art. 9102, VTCS.

TxDOT also would have to inspect the site of each project. The bill would not apply to buildings constructed or renovated with TxDOT funding.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS  
SAY:**

State law does not require TxDOT to review projects for compliance with state standards for facility accessibility, which are more stringent than federal standards under ADA. Federal law requires TxDOT to review projects to ensure compliance with ADA standards. HB 2598 would require TxDOT also to review projects for compliance with state standards. The bill would apply primarily to sidewalks, curb cuts, and other pedestrian facilities.

**OPPONENTS  
SAY:**

HB 2598 would not ensure that TxDOT would comply with state standards for facility accessibility for disabled persons in developing TxDOT projects. In the past, TxDOT has refused to submit project plans to TDLR to ensure compliance with state standards. Many TxDOT projects have been completed without complying with these standards and have had to be corrected later at a cost of millions of dollars to taxpayers. TxDOT cannot be trusted to review its own projects without supervision by an outside agency. The state should require TDLR to review TxDOT projects for compliance with state standards.