

City of Lewisville

# Americans with Disabilities Act (ADA) Self-Evaluation & Transition Plan

May 2024

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Accessology



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## Abbreviations

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ABA – Architectural Barriers Act

ADA – Americans with Disabilities Act

CFR – Code of Federal Regulations

CIP – Capital Improvement Program

DOJ – United States Department of Justice

FHWA – Federal Highway Administration

MUTCD – Manual on Uniform Traffic Control Devices

PALS – Parks and Leisure Services

PROWAG – Public Right-of-Way Accessibility Guidelines

PSA – Programs, Services, and Activities

TAC – Texas Administrative Code

TDLR – Texas Department of Licensing and Regulation

TMUTCD – Texas Manual on Uniform Traffic Control Devices

## 1.0 Introduction

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### 1.1 Background

In 1992, the City of Lewisville completed a comprehensive review of City policies, practices, and facilities. The City appointed an Americans with Disabilities Act (ADA) Review Committee consisting of 14 employees from various departments to evaluate the 1990 ADA regulations and their impact on City operations. The ADA Review Committee, with the assistance of the City's ADA Coordinator and REACH of Dallas for technical expertise, completed the 1993 City of Lewisville ADA Self-Evaluation and Transition Plan. The Self-Evaluation included a review of all City department services, programs, and policies and included changes to worker's compensations policies, applications and other City forms, City contracts, and Parks and Leisure Services (PALS) Programs to address ADA compliance. In 1993, the Transition Plan was developed based on the evaluation of 55 City buildings/facilities. The Transition Plan was submitted to the Mayor's Committee on Disabilities for review and comment. The City also adopted an ADA Grievance Policy and Procedure and developed a Policy of Non-Discrimination on the Basis of Disability and Equal Opportunity Statement.

In 2010, the City developed a Curb Cut Retrofit Plan to identify locations requiring curb ramp improvements necessary to meet the minimum accessibility requirements. The Plan identified the following City-owned/maintained features: 4,092 curb ramps, 769 miles of sidewalk, and 99 signalized intersections. In addition, the Parks Division completed a Parks ADA Compliance Study and developed an ADA Transition Plan for 23 City parks. This ADA Compliance Study also addressed citizen concerns that were submitted to the City.

In 2022, the City of Lewisville began an update to the ADA Self-Evaluation and Transition Plan, which will be undertaken in multiple phases. The first phase will be completed in 2024.

### 1.2 Purpose

The purpose of this ADA Self-Evaluation and Transition Plan is to summarize the activities completed to-date related to ADA compliance and to create a roadmap for the City of Lewisville to update their ADA Transition Plan over time. The methodology for evaluating and implementing improvements for buildings and parks has been developed based on the federal ADA Standards for Accessible Design and access-related state and local standards that were applicable at the time of construction. The methodology for evaluating and implementing improvements for pedestrian facilities in the public rights-of-way will be developed based on the Public Right-of-Way Accessibility Guidelines (PROWAG). Details related to the evaluation of City facilities, prioritization of barriers, and implementation of improvements for all facility types are provided in this document.

This document includes an overview of the ADA and provides recommendations for the City of Lewisville based on guidance from the Federal Highway Administration (FHWA) and U.S. Department of Justice (DOJ) to improve accessibility for the public.

### 1.3 Legislative Mandate

The ADA is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications. Title II of the ADA also requires that all programs, services, and activities (PSAs) of public entities provide equal access for individuals with disabilities.

The City of Lewisville plans to complete a comprehensive evaluation of its PSAs to determine the extent that individuals with disabilities may be restricted in their access.

## 1.4 ADA Self-Evaluation and Transition Plan Development Requirements and Process

The City of Lewisville is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs, and services; any parts of Titles IV and V that apply to the City and its programs, services, or facilities; and all requirements specified in the applicable ADA Standards and PROWAG that apply to facilities and other physical holdings.

Title II has the broadest impact on the City. Included in Title II are requirements for all government entities employing more than 50 people. These requirements are:

- Provide notice to the public about the ADA.
- Designate an employee to oversee Title II compliance.
- Adopt and publish a grievance procedure.
- Complete a Self-Evaluation of current services, policies, and practices and modify if non-compliant.
- Operate each service, program, or activity so that it is readily accessible and useable by an individual with disabilities.
- Develop (and maintain) a Transition Plan for the removal of physical barriers uncovered by the Self-Evaluation process, including a schedule for providing curb ramps. The Transition Plan will be a living document until all barriers have been remediated.
- Provide an opportunity to interested persons to participate in the Self-Evaluation process and in the development of the Transition Plan by submitting comments.

This document describes the process developed to complete the evaluation of select City of Lewisville PSAs and facilities, provides possible solutions to remove programmatic barriers, and presents a Transition Plan for the modification of facilities to improve accessibility, which will guide the planning and implementation of necessary program and facility modifications over the next 10 years. The ADA Self-Evaluation and Transition Plan is significant in that it establishes the City's ongoing commitment to the development and maintenance of PSAs and facilities that accommodate all residents.

## 1.5 Discrimination and Accessibility

Program accessibility means that, when viewed in its entirety, each program is readily accessible to and usable by individuals with disabilities. The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. Major life activities are those functions that are important to most people's daily lives, including breathing, walking talking, hearing, seeing, sleeping, caring for oneself, performing manual tasks, and working. Major life activities also include major bodily functions such as immune system functions, normal cell growth, digestive, bowel, bladder, neurological, brain, respirator, circulator, endocrine, and reproductive functions. The definition also includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability.

Accessibility applies to all aspects of a program or service, including but not limited to physical access, advertisement, orientation, eligibility, participation, testing or evaluation, provision of auxiliary aids, transportation, policies, and communication.

The following are examples of elements that should be evaluated for barriers to accessibility:

### 1.5.1 Physical Barriers

- Parking
- Path of travel to, throughout, and between buildings and amenities
- Doors
- Service counters
- Restrooms
- Drinking fountains
- Public telephones
- Path of travel along sidewalk corridors within the public rights-of-way
- Access to pedestrian equipment at signalized intersections

### 1.5.2 Programmatic Barriers

- Building signage
- Customer communication and interaction
- Non-compliant sidewalks or curb ramps
- Emergency notifications, alarms, and visible signals
- Participation opportunities for City sponsored events

### 1.5.3 Ongoing Accessibility Improvements

City PSAs and facilities evaluated during the Self-Evaluation will continue to be evaluated on an ongoing basis, and the ADA Transition Plan will be revised to account for changes that have been or will be completed since the initial Self-Evaluation. This Plan will be posted on the City's website for review and consideration by the public.

### 1.5.4 City of Lewisville Approach

The purpose of the Transition Plan is to provide the framework for achieving equal access to the City of Lewisville's PSAs within a reasonable timeframe. The City's elected officials and staff believe that accommodating persons with disabilities is essential to good customer service, ensures the quality of life Lewisville residents seek to enjoy, and guides future improvements. This Plan has been prepared after evaluations of a select number of City facilities.

The City of Lewisville should make reasonable modifications in PSAs when the modifications are necessary to avoid discrimination based on disability, unless the City can demonstrate that making the modifications will fundamentally alter the nature of the program, service, or activity. The City of Lewisville will not place surcharges on individuals with disabilities to cover the cost involved in making PSAs accessible.

### 1.5.5 Exceptions and Exemptions

A municipality is not required to take any action that would create any undue financial or administrative burden for the public entity, create a hazardous condition for other people, or threaten or destroy the historic significance of a historic property.

In determining whether an alteration would impose an undue financial or administrative burden on a covered entity, factors to be considered include: (i) the nature and cost of the alteration needed; (ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility; (iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and (iv) the

type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

In determining whether an alteration would threaten or destroy the historic significance of a historic property, the City should first confirm if the property is on the National Register of Historic Places. Based on a search of the National Register of Historic Places NP Gallery Database (<https://www.nps.gov/subjects/nationalregister/database-research.htm>) and the associated geodatabase (<https://irma.nps.gov/DataStore/Reference/Profile/2297306>), there are no registered historical places within the City, but there may be other documentation available not provided on these websites.

A municipality is not necessarily required to make each of its existing facilities accessible to and usable by individuals with disabilities. In the event the City determines a proposed action would generate undue financial or administrative burden, create a hazardous condition for other people, or threaten or destroy the historic significance of a historic property, a municipality has a responsibility to communicate and document the decision and the methodology used to reach it. If an action would result in such an alteration or such burdens, a municipality shall take any other actions that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the City.

## 1.6 New Construction and Alterations

If the start date for construction is on or after March 15, 2012, all newly constructed or altered state and local government facilities must comply with the 2010 ADA Standards. Before that date, the 1991 Standards (without the elevator exemption), the Uniform Federal Accessibility Guidelines, or the 2010 ADA Standards may be used for such projects when the start of construction commences on or after September 15, 2010.

The most recent standard is the 2010 ADA Standards, which sets the minimum requirements – both scoping and technical – for newly designed and constructed or altered state and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. It is effectuated from 28 Code of Federal Regulations (CFR) 35.151 and the 2004 Americans with Disabilities Act Accessibility Guidelines (ADAAG). However, the FHWA and DOJ recommend using PROWAG for designing facilities within the public rights-of-way as a best practice until it is adopted at the federal level. Based on the Texas Department of Transportation (TxDOT) ADA Accessibility Program FY 2021/2022 Accomplishment and Goals Report, TxDOT Design Standards have been revised for consistency with 2011 PROWAG. It is recommended that the City of Lewisville adopt the current version PROWAG so that it becomes an enforceable document for all City projects within the public rights-of-way, regardless of its adoption status at the state and federal level.

### **2010 ADA Standards**

The Department of Justice's revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 (ADA) were published in the Federal Register on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards. On March 15, 2012, compliance with the 2010 ADA Standards was required for new construction and alterations under Titles II and III. March 15, 2012 is also the compliance date for using the 2010 ADA Standards for program accessibility and barrier removal.

### **PROWAG**

The U.S. Access Board recently published new guidelines under the ADA and the Architectural Barriers Act (ABA) that address access to sidewalks and streets, crosswalks, curb ramps, pedestrian signals, on-street parking, and other components of public rights-of-way. These guidelines also review shared use paths, which are designed primarily for use by bicyclists and pedestrians for transportation and recreation



purposes. PROWAG provides minimum guidelines for the accessibility of pedestrian facilities in the public rights-of-way. When these guidelines are adopted, with or without modifications, as accessibility standards in regulations issued by other federal agencies implementing the ADA, Section 504 of the Rehabilitation Act, and the ABA, compliance with those enforceable accessibility standards is mandatory. The final rule was published on August 8, 2023, and becomes effective on September 7, 2023. PROWAG is the recommended best practice and can be considered the state of the practice that could be followed for areas not fully addressed by the 2010 ADA Standards.

In the state of Texas, the Texas Administrative Code (TAC) Chapter 68 (Elimination of Architectural Barriers), Rule §68.102 (Public Right-of-Ways Projects) references compliance with the latest version of PROWAG for elimination of barriers for public rights-of-way projects. The Texas Department of Licensing and Regulation (TDLR) adopted Rule §68.102, effective May 15, 2017. The applicable section of the rule states:

- (a) *For public right-of-way projects, in addition to accepting compliance with applicable TAS requirements, the department will also accept compliance with the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, published by the Architectural and Transportation Compliance Board (Access Board) on July 26, 2011, 36 CFR Part 1190 or its final adopted guidelines.*

#### **MUTCD**

Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel by authority of a public agency or official having jurisdiction, or, in the case of a private road, by authority of the private owner or private official having jurisdiction. The Manual on Uniform Traffic Control Devices is incorporated by reference in 23 CFR, Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). The policies and procedures of the FHWA to obtain basic uniformity of traffic control devices shall be as described in 23 CFR 655, Subpart F.

It should be noted that the Texas Manual on Uniform Traffic Control Devices (TMUTCD) is incorporated by reference in the TAC and shall be recognized as the Texas standard for all traffic control devices installed on any public street, highway, bikeway, or private road open to public travel.

#### **2013 Outdoor Developed Areas Guidelines**

The Access Board is responsible for developing accessibility guidelines for the construction and alteration of facilities covered by the ADA and the Architectural Barriers Act (ABA) of 1968, which include outdoor developed areas. The Outdoor Developed Areas guidelines ensure that the facilities are readily accessible to and usable by people with disabilities. The Access Board issued the current guidelines in 2004. The 2004 guidelines contain provisions for several types of recreation facilities, including boating facilities, fishing piers and platforms, golf facilities, play areas, sports facilities, and swimming pools. The Access Board amended the 2004 guidelines in 2013 by adding new provisions for trails, picnic and camping facilities, viewing areas, and beach access routes constructed or altered by federal agencies or by non-federal entities on federal land on behalf of a federal agency pursuant to a concession contract, partnership agreement, or similar arrangement.

The new provisions for trails, picnic and camping facilities, viewing areas, and beach access routes are not included in the DOJ's 2010 ADA Standards and have no legal effect on state and local governments and private entities subject to DOJ's ADA regulations. State and local governments and private entities may, however, use the provisions for guidance when designing trails, picnic and camping facilities, viewing areas, and beach access routes. State and local governments and private entities are cautioned to check with DOJ about using the technical requirements for outdoor recreation access routes, instead of accessible routes, to connect elements at picnic and camping facilities, viewing areas, and trailheads.

## 1.6 Existing City Programs that Implement ADA Upgrades

The City of Lewisville has been allocating funding through the following programs over the past several years to bring facilities into compliance:

- **Parks and Recreation ADA Improvements.** Approximately \$1.15M was originally allocated through the Parks and Recreation Department to fund accessible routes throughout multiple parks, new playground equipment, water fountains, parking improvements, synthetic grass, and Iris Park Playground equipment. The remainder of the budget will be used to fund accessible routes to picnic and beach areas as Lake Park.
- **Alley Improvements.** \$1.18M was allocated to fund small alley maintenance repairs, of which a significant portion is being allocated towards ADA related improvements. These projects are completed in conjunction with the neighborhood rehabilitation, and as individual work orders as they arise.
- **Sidewalk Improvements.** Approximately \$7M has been allocated for sidewalk maintenance throughout the City of Lewisville.
- **ADA Sidewalk Inspection Machine.** Approximately \$61,500 has been allocated for the purchase of an ADA sidewalk inspection machine. This device is a 3-wheeled vehicle that is driven on the sidewalk. It is outfitted with technology that captures the needed information in a digital form. The City is working on developing a routine inspection schedule to verify sidewalks are ADA compliant.
- **Curb Cut Retrofit Plan.** In 2010, the City developed a Curb Cut Retrofit Plan to identify locations requiring curb ramp improvements necessary to meet the minimum accessibility requirements. The City has been actively working to implement curb ramp improvements identified by the Plan.
- **Parks ADA Compliance Study and ADA Transition Plan.** In 2010, the Parks Division completed a Parks ADA Compliance Study and developed an ADA Transition Plan for 23 City parks. This ADA Compliance Study also addressed citizen concerns that were submitted to the City. The City has been actively working to remediate identified barriers to access.

## 2.0 Public Outreach

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### 2.1 Public Meetings

The City contacted local disability organizations to form an ADA Advisory Committee. The City hosted a public meeting with the ADA Advisory Committee on October 10, 2023 at 6:00 PM to provide a summary of the transition planning process and receive feedback on any concerns related to accessibility. The City also hosted an ADA public meeting on February 26, 2024 at 6:00 PM to solicit feedback from the public on the Transition Plan.

There was public interest in how the City sets aside funding for accessibility improvements, how the City advertises for events and public outreach, how to get media in alternate formats, and how to identify parks with the most accessible features within the City. It was suggested that the City consider advertising for events at libraries, the parks newsletter, and at Thrive Nature Park. The City highlighted that they are addressing all forms of pedestrian travel and their ADA review process on ongoing projects. The meeting notes are provided in **Appendix A**.

### 2.2 Web Survey

The City developed a web survey open to the public. The survey was designed to help the City locate areas of greatest concern to the public and help provide better access to the community. The survey was made available via the following link and posted on all social media accounts (Facebook and Nextdoor) and the City website. Feedback was documented between the start date November 6, 2023 and end date November 17, 2023:

[https://www.surveymonkey.com/r/ADA\\_Lewisville](https://www.surveymonkey.com/r/ADA_Lewisville)

The survey garnered 55 responses. 80% of survey respondents answered positively when asked about the accessibility of Lewisville's facilities, such as public buildings, parking lots, parking structures, parks, and trails. 90% survey respondents answered positively when asked about communications barriers. Thrive Nature Park, Central Park, and Wayne Ferguson Plaza were the most visited parks by survey respondents. Central Park Trail, Lewisville Lake Environment Learning Area (LLELA) Trails, and Garden Ridge Trail were the most visited trails by survey respondents. The most common request by survey respondents was for improving the conditions of sidewalk, curb ramps, and pedestrian crossings around Lewisville's facilities. Response summaries for the web survey are include in **Appendix A**.

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## 3.0 Self-Evaluation and Summary of Observations

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The City of Lewisville's ADA Transition Plan will ultimately reflect the results of a comprehensive review of the programs, services, and activities provided to employees and the public. The review will identify programmatic barriers to individuals with disabilities interested in accessing the PSAs offered by the City.

### 3.1 Services, Policies, and Practices Review

Under the ADA, the City of Lewisville is required to complete a Self-Evaluation of the City's services, policies, and practices, including facilities where programs, services, and activities are held. The Self-Evaluation identifies and provides possible solutions to those services, policies, and practices that are inconsistent with Title II requirements. To be compliant, the Self-Evaluation should consider all the City's PSAs, as well as the policies and practices the City uses to implement its various programs and services.

To comply with requirements of the plan, the City must take corrective measures to achieve program accessibility through several methods, including, but not limited to:

- 1) Relocation of programs to accessible facilities.
- 2) Modifications to existing programs so they are offered in an accessible manner.
- 3) Structural methods such as altering an existing facility.
- 4) Policy modifications to ensure nondiscrimination.
- 5) Auxiliary aids provided to produce effective communication.

When choosing a method of providing program access, the City should attempt to give priority to the method that promotes inclusion among all users, including individuals with disabilities.

PSAs offered by the City to the public must be accessible. Accessibility applies to all aspects of a program, services, or activity, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

However, the City does not have to take any action that will result in a fundamental alteration in the nature of a program or activity, create a hazardous condition for other people, or result in an undue financial and/or administrative burden. This determination should generally be made by the ADA/504 Coordinator and/or an authorized designee of the City, such as the City Mayor or their designee and must be accompanied by a written statement detailing the reasons for reaching the determination.

The determination of undue burden must be based on an evaluation of all resources available for use. If a barrier removal action is judged unduly burdensome, the City must consider all other options for providing access that will ensure that individuals with disabilities receive the benefits and services of the program or activity. This process must be fully documented.

#### 3.1.1 ADA/504 Coordinator

Under the ADA Title II, when a public entity has 50 or more employees based on an entity-wide employee total count, the entity is required to designate at least one (1) qualified responsible employee to coordinate compliance with ADA requirements. The name, office address, and telephone number of this individual must be available and advertised to employees and the public. This allows for someone to assist with questions and concerns regarding disability discrimination to be easily identified.

The City of Lewisville has appointed Aaron Russell as the ADA/504 Coordinator for Title II. Below is the ADA/504 Coordinator's contact information.

Aaron Russell, ADA/504 Coordinator  
Director  
Public Services  
1100 N. Kealy, Suite D  
Lewisville, TX 75057  
Office: 972-219-3531  
Relay: 711  
arussell@cityoflewisville.com

The ADA/504 Coordinator contact information must be provided to interested parties. The following distribution methods are recommended:

- Post on the City website;
- Prominently display in common areas that are accessible to all employees and areas open to the public;
- Provide in materials that are distributed by the City for meetings and events where requests for auxiliary aids or services for effective communication might be needed; and
- Provide in materials that are distributed by the City where ADA questions or concerns may arise.

### 3.1.2 Roles and Responsibilities of the ADA/504 Coordinator

Below is a list of qualifications for ADA/504 Coordinators that are recommended by U.S. Department of Justice:

- Familiarity with the entity's structures, activities, and employees;
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act;
- Experience with people with a broad range of disabilities;
- Knowledge of various alternative formats and alternative technologies that enable individuals with disabilities to communicate, participate, and perform tasks;
- Ability to work cooperatively with local entities and people with disabilities;
- Familiarity with any local disability advocacy groups or other disability groups;
- Skills and training in negotiation and mediation; and
- Organizational and analytical skills.

The responsibilities of the ADA/504 Coordinator include coordinating the City's efforts to comply with Title II and investigating any complaints related to potential violations of Title II. The role of the ADA Coordinator typically includes being the primary contact when members of the public request an auxiliary aid or service for effective communication, such as a sign language interpreter or documents in Braille. An effective ADA Coordinator will be able to efficiently assist people with disabilities with their questions. These roles and responsibilities are consistent with the Department of Justice's guidance for "An Effective ADA Coordinator" (<https://www.ada.gov/pcatoolkit/chap2toolkit.htm>).

### 3.1.3 ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances in a prompt and fair manner that may arise under Title II of the ADA. Per the Department of Justice’s guidance for establishing and publishing grievance procedures (<https://www.ada.gov/pcatoolkit/chap2toolkit.htm>), the grievance procedure should include:

- A description of how and where a complaint under Title II may be filed;
- If a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative;
- A description of the time frames and processes to be followed by the complainant and the government entity;
- Information on how to appeal an adverse decision; and
- A statement of how long compliant files will be retained.

#### ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA: Self-Evaluation Observations

The City of Lewisville ADA Complaint Process and Compliant Form (included as part of Administrative Directive 1.0 – Section IV, dated 5/2/21) was reviewed.

- Person-first language is used in some part of the document but not throughout.
- The timeframe in which the City will provide a response to the compliant is not provided.
- The timeframe in which the City will provide a response to an appeal is from the date in which the complaint was received: “The City Manager will review the appeal and will provide a response to the complainant within 15 business days after the receipt of the complaint.”
- A statement of how long complaint files will be retained is not provided.
- The ADA Coordinator’s name and contact information is outdated.

#### ADA Grievance Policy, Procedure, and Form with Appeals Process for the ADA: Possible Solutions

- Consider using person-first language throughout. For example, “people with disabilities” instead of “disabled persons”.
- Add the timeframe in which the City will provide a response to the complaint.
- Change the timeframe in which the City will provide a response to an appeal to reference the date the appeal was received: “The City Manager will review the appeal and will provide a response to the complainant within 15 business days after the receipt of the appeal.”
- Add a statement of how long complaint files will be retained. For example: “All written complaints received by Aaron Russell or his designee, appeals to the City Manager or her designee, and responses from these two offices will be retained by the City of Lewisville for at least three years.”
- Update the ADA Coordinator’s name and contact information to Aaron Russell.

### 3.1.4 Public Notice Under the ADA

The ADA public notice requirement applies to all state and local governments covered by Title II, including entities with fewer than 50 employees. The target audience for the public notice includes applicants, beneficiaries, and other people interested in the entity’s PSAs. This notice is required to include information regarding Title II of the ADA and how it applies to the PSAs of the public entity. Publishing and publicizing the ADA notice is not a one-time requirement. State and local government entities should provide the information on an ongoing basis, whenever necessary.

### Public Notice Under the ADA: Self-Evaluation Observations

- A statement on how to request an auxiliary aid or service for effective communication, or modification of policies or procedures to participate in a program, service, or activity is not provided.
- A statement about how to file a complaint that a program, service, or activity is not accessible is not specifically provided.
- The contact information is confusing. It states the ADA Coordinator should contact Aaron and Matt (who were/are the ADA Coordinators). The Title II ADA Coordinator's name and contact information is outdated.
  - **The ADA Coordinator for the public services provisions** of the ADA (Title II), covering program accessibility, communications, architectural barrier, and transportation issues **should contact Keith Marvin**, Director of Public Services, kmarvin@cityoflewisville.com, 972.219.3531 as soon as possible but no later than 48 hours before the scheduled event.
  - **The ADA Coordinator for employment provisions** of the ADA covering all employment practices, including job application procedures, hiring, advancement, discharge, compensation, job training and other terms, conditions and privileges of employment **should contact Matt Grebliunas**, Director of Human Resources, mgreblunas@cityoflewisville.com, 972.219.3453.

### Public Notice Under the ADA: Possible Solutions

- Add a statement on how to request an auxiliary aid or service for effective communication, or modification of policies or procedures to participate in a program, service, or activity. For example: "**Effective Communication:** The City of Lewisville will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Lewisville's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments."
- Add a statement about how to file a complaint that a program, service, or activity is not accessible. For example: "Complaints that a program, service, or activity of the City of Lewisville is not accessible to persons with disabilities should be directed to Aaron Russell, ADA/504 Coordinator, at 972-219-3531, 711 (Relay Service), or arussell@cityoflewisville.com."
- Reword the contact information paragraphs for clarity:
  - **For concerns with public services provisions** of the ADA (Title II), including program accessibility, communications, architectural barrier, and transportation, contact Aaron Russell, ADA/504 Coordinator, Director of Public Services, arussell@cityoflewisville.com, 972.219.3531 as soon as possible but no later than 48 hours before the scheduled event.
  - **For concerns with employment provisions** of the ADA covering all employment practices, including job application procedures, hiring, advancement, discharge, compensation, job training and other terms, conditions and privileges of employment, contact Tadd Phillips, Title I ADA Coordinator, Director of Human Resources, tphillips@cityoflewisville.com, 972.219.3453.

### 3.1.5 ADA Liaison Committee

The City of Lewisville has established an ADA Liaison Committee is comprised of representatives from several City departments. These individuals work closely with the ADA/504 Coordinator to resolve issues regarding the needs of their department and the programs under their management. The ADA/504 Coordinator works closely with the ADA Liaison Committee to coordinate the implementation of plans, programs, policies, and procedures. Each representative is responsible for keeping a detailed log for all ADA inquiries within their department.

To promote awareness of the committee and their activities, the ADA Liaison Committee information can be publicized in common areas that are accessible to employees and areas open to the public. This includes posting this information on the City website.

## 3.2 Facilities Review

### 3.2.1 Buildings

Seven (7) buildings within the City of Lewisville were evaluated. All buildings included in the evaluation are listed in **Table 1**. A list of City buildings to be evaluated in future phases is provided in **Appendix B**.

**Table 1. Summary of Buildings Reviewed**

Building Name	Address
1. Animal Shelter	955 E. Valley Ridge
2. City Hall	151 Church Street
3. Jail	1187 W. Main Street
4. Lewisville Grand Theater / Arts Center	100 N. Charles Street
5. Municipal Annex	1197 W. Main Street
6. Visitors Center	247 W. Main Street
7. Wastewater Treatment Plant	897 Treatment Plant Road

#### Buildings: Self-Evaluation Observations

Areas that were evaluated for each building included parking lots, path of travel from the parking lot to the building, access into the building, signage, drinking fountains, telephones, bathrooms, and counter heights. A complete list of issues is provided in the building facility reports (see **Appendix C**). Common issues identified included:

- Exterior routes
- Transaction counters
- Doors/maneuvering clearances
- Clear floor space
- No frontal approach - interior
- Coat hooks

#### Buildings: Possible Solutions

A complete list of possible solutions is provided in the building facility reports (see **Appendix C**).

### 3.2.2 Parks

Six (6) parks and 15 Castle Hills parks within the City of Lewisville were evaluated. The City of Lewisville annexed Castle Hills on November 15, 2021. Prior to this date, the City was not responsible for the parks within the Castle Hills community. All parks included in the evaluation are listed in **Table 2** and **Table 3**. A list of City parks to be evaluated in future phases is provided in **Appendix B**.



**Table 2. Summary of Parks Reviewed**

Park Name	Address
1. Central Park	1899 S. Edmonds Lane
2. L.L. Woods Park	1000 Arbour Way
3. Memorial Park	1950 S. Valley Parkway
4. Orchard Valley Park	1133 Brittany Place
5. Rev. Alvin Turner Sr. Park	700 Hembry Street
6. Valley Ridge Greenbelt Park	1400 N. Valley Parkway

**Table 3. Summary of Castle Hills Parks Reviewed**

Park Name	Address
1. Almsbury Park	2349 Almsbury Lane
2. Windsor Park	2513 Windsor Castle Way
3. King Lionel Park	620 King Lionel Lane
4. Fitness Park	2617 Round Table Boulevard
5. Chili Pepper Park	2605 Round Table Boulevard
6. Park 59	2617 Avalon Drive
7. Pirate Park	2540 Sir Astamore Lane
8. Fan Park	2710 Queen Elaine Drive
9. Dragon Park	2719 Merlin Drive
10. Phase 7 Park	1213 Damsel Caitlyn Drive
11. Hidden Park	Sir Malary Ln/Damsel Katie Drive
12. Train Park	1225 Lady Carol Lane
13. Castle Park	2504 Sir Turquin Lane
14. Berndt Park	1400 Elsa Avenue
15. Stony Passage Park	822 Stony Passage Lane

Parks: Self-Evaluation Observations

Areas that were evaluated for each park included parking lots, path of travel from the parking lot to the park amenities, access into facilities, signage, drinking fountains and restrooms. A complete list of issues is provided in the park facility reports (see **Appendix C**). Common issues identified included:

- Excessive cross slope along accessible route
- Change in elevation along accessible route
- No accessible route
- Gaps at expansion joints

Parks: Possible Solutions

A complete list of possible solutions is provided in the park facility reports (see **Appendix C**).

### 3.2.3 Trails

Three (3) trails within the City of Lewisville were evaluated. All trails included in the evaluation are listed in **Table 4**. A list of City trails to be evaluated in future phases is provided in **Appendix B**.

**Table 4. Summary of Trails Reviewed**

Trail Name	Address
1. Central Park	1899 S. Edmonds Lane
2. L.L. Woods Park	1000 Arbour Way
3. Valley Ridge Greenbelt Park	1400 N Valley Parkway

#### Trails: Self-Evaluation Observations

A complete list of issues is provided in the trail facility reports (see **Appendix C**). Common issues identified included:

- Change in elevation along accessible routes
- Cross slope along accessible routes
- No accessible route
- Expansion joints have gaps

#### Trails: Possible Solutions

A complete list of possible solutions is provided in the trail facility reports (see **Appendix C**).

### 3.2.4 Public Rights-of-Way

In 2010, the City developed a Curb Cut Retrofit Plan to identify locations requiring curb ramp improvements necessary to meet the minimum accessibility requirements. This information was based on site reviews and the inventory focused on all corners and intersections within the City limits. The data collected included existing pedestrian elements such as curb ramps, sidewalks, push buttons, and obstructions, as well as pertinent measurements, dimensions, gradients, and other visual determinations as deemed relevant. The resulting documentation consisted of GPS locations of all corners and completed data collection forms. The Plan identified the following City-owned/maintained features: 4,092 curb ramps, 769 miles of sidewalk, and 99 signalized intersections. The elements that were not in compliance with the ADA Standards were assigned a point value based on the degree of non-compliance. Issues related to curb ramp running slope and cross slopes, for example, were assigned a higher point value than minor infractions such as slight deficiencies commonly found on flares and detectable warning surfaces. Once all point values were calculated, a priority was determined to each corner based on the total point value assigned for the corner.

The City is in the process of developing a data collection and data processing methodology for evaluating pedestrian facilities in the public rights-of-way, including pedestrian signal equipment, sidewalk, pedestrian street crossings, pedestrian driveway crossings, and associated curb ramps. As an initial step, the City is updating the 2010 inventory of pedestrian facilities in the public rights-of-way to quantify and identify the location of facilities to be evaluated for ADA compliance. The quantities of pedestrian facilities identified in 2010 were 4,092 curb ramps, 769 miles of sidewalk, and 99 signalized intersections.

The is also in the process of developing an evaluation schedule. Following the evaluation of all pedestrian facilities, the City will develop a methodology for prioritizing projects for implementation and prepare planning-level cost estimates that will be incorporated into the City's implementation schedule (see **Section 4.2 Implementation**

**Schedule).** Information related to the inventory, evaluation, prioritization, and associated implementation costs for pedestrian facilities in the public rights-of-way will be incorporated into the City's ADA Transition Plan.

### 3.3 Maintenance Versus Alterations

The United States Department of Justice (DOJ) has issued a briefing memorandum on clarification of maintenance versus alteration projects. Information contained in the briefing memorandum is below. We recommend this clarification with regard to when curb ramp installation is required as part of a project be distributed to the appropriate City of Lewisville staff.

*The Americans with Disabilities Act of 1990 (ADA) is a civil rights statute prohibiting discrimination against persons with disabilities in all aspects of life, including transportation, based on regulations promulgated by the United States Department of Justice (DOJ). DOJ's regulations require accessible planning, design, and construction to integrate people with disabilities into mainstream society. Further, these laws require that public entities responsible for operating and maintaining the public rights-of-way do not discriminate in their programs and activities against persons with disabilities. FHWA's ADA program implements the DOJ regulations through delegated authority to ensure that pedestrians with disabilities have the opportunity to use the transportation system's pedestrian facilities in an accessible and safe manner.*

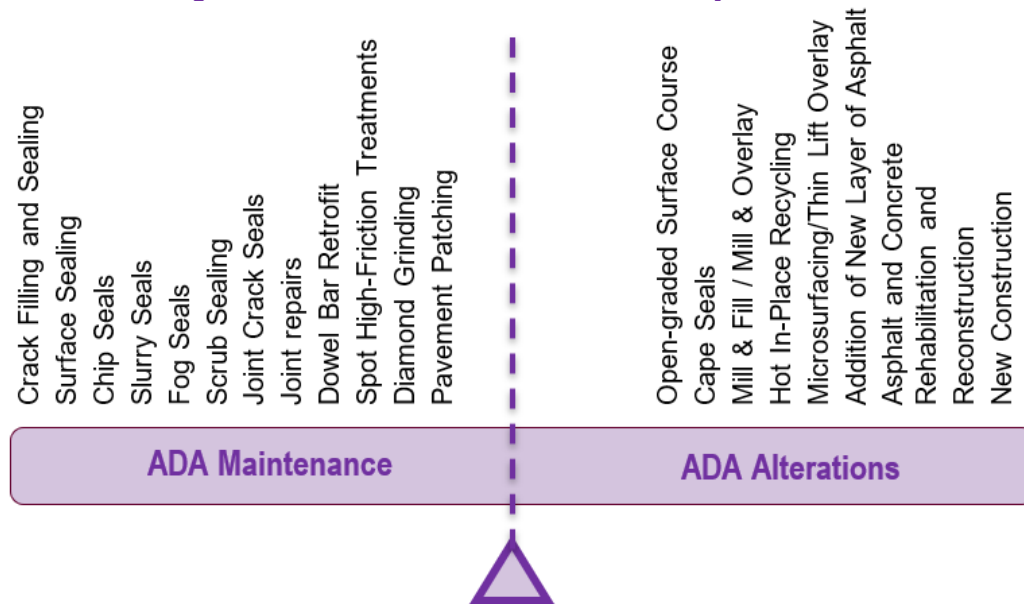
*FHWA and DOJ met in March 2012 and March 2013 to clarify guidance on the ADA's requirements for constructing curb ramps on resurfacing projects. Projects deemed to be alterations must include curb ramps within the scope of the project.*

*This clarification provides a single Federal policy that identifies specific asphalt and concrete-pavement repair treatments that are considered to be alterations – requiring installation of curb ramps within the scope of the project – and those that are considered to be maintenance, which do not require curb ramps at the time of the improvement. Figure 1 provides a summary of the types of projects that fall within maintenance versus alterations.*

*This approach clearly identifies the types of structural treatments that both DOJ and FHWA agree require curb ramps (when there is a pedestrian walkway with a prepared surface for pedestrian use and a curb, elevation, or other barrier between the street and the walkway) and furthers the goal of the ADA to provide increased accessibility to the public right-of-way for persons with disabilities. This single Federal policy will provide for increased consistency and improved enforcement.*

*[Remainder of page intentionally left blank]*

**Figure 1. Maintenance versus Alteration Projects**



Source: DOJ Briefing Memorandum on Maintenance versus Alteration Projects

### 3.3 Closing Crosswalks

A crosswalk is defined by PROWAG as “that part of a roadway that is located at an intersection included within the connections of the lateral lines of the pedestrian circulation paths on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a pedestrian circulation path on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the pedestrian circulation path at right angles to the center line; or at any portion of a roadway at an intersection or elsewhere distinctly indicated as a pedestrian crossing by pavement marking lines on the surface. Crosswalks at intersections may be marked or unmarked.”

Curb ramps, blended transitions, or a combination of curb ramps and blended transitions should be provided in accordance with PROWAG. If pedestrian a pedestrian crossing is prohibited or not intended, the crosswalk should be closed in accordance with PROWAG. The requirements are summarized in the sections below.

#### 3.3.1 Crosswalks at Intersections

At an intersection corner, one curb ramp or blended transition shall be provided for each crosswalk, or a single blended transition that spans all crosswalks at the intersection corner may be provided. In alterations, where existing physical constraints make compliance with PROWAG technically infeasible, a single curb ramp shall be permitted at the apex of the intersection corner. When alterations are made to crosswalks, curb ramps or blended transitions shall be provided on both ends of the crosswalk where the pedestrian access route crosses a curb.

At an intersection corner where pedestrian crossing is prohibited, curb ramps or blended transitions shall not be provided, and the pedestrian circulation path shall be either (a) separated from the roadway with landscaping or other non-prepared surface or (b) separated from the roadway by a detectable vertical edge treatment with a bottom edge 15 inches maximum above the pedestrian circulation path (PROWAG Section R203.6.1.1).

### 3.3.2 Mid-block and Roundabout Crosswalks

At a mid-block or roundabout crosswalk, curb ramps or blended transition shall be provided on both ends of the crosswalk. When alterations are made to crosswalks, curb ramps or blended transitions shall be provided on both ends of the crosswalk where the pedestrian access route crosses a curb.

At a mid-block or roundabout crosswalk where pedestrian crossing is not intended, curb ramps or blended transitions shall not be provided, and the pedestrian circulation path shall be either (a) separated from the roadway with landscaping or other non-prepared surface or (b) separated from the roadway by a detectable vertical edge treatment with a bottom edge 15 inches maximum above the pedestrian circulation path (PROWAG Section R203.6.1.2).

## 3.5 Prioritization

The following section outlines the prioritization factors and results of the prioritization for buildings and parks. These prioritization factors were taken into consideration when developing the implementation plan for the proposed improvements.

Buildings and parks were prioritized on a 12-point scale, which is defined in **Table 5**. This prioritization methodology was developed by the Consultant Team to aid the City in determining how the buildings should be prioritized for improvements based on the severity of non-compliance with ADA.

## 3.6 Conclusion

This document serves as the ADA Transition Plan for the City of Lewisville. In developing the Transition Plan, a Self-Evaluation was conducted for the following facilities:

- 7 of 28 buildings;
- 21 of 49 parks; and
- 3 of 20 trails.

The possible solutions were prioritized and an implementation plan was developed to provide guidance for the City's improvement projects in the coming years. Public outreach was also conducted to aid in the Self-Evaluation process and development of the ADA Transition Plan. The City is taking the actions referenced below and will continue to look for and remedy, barriers to access to ensure that Lewisville residents who are disabled are given access to the City's programs, services, and activities.

To confirm follow-up on corrective actions required under the Transition Plan, the City will institute an ADA Action Log, documenting its efforts at compliance with the ADA. At a minimum, the Action Log will identify items that are not ADA compliant and will include anticipated completion dates. After the adoption of the Transition Plan by Lewisville City Council, the ADA Action Log will be updated on an annual basis. The ADA Action Log should be available upon request. A copy of the current ADA Action Log for buildings, parks, and trails is provided in **Appendix D**.

The City is also developing an internal ArcGIS Online dashboard to access project data and project reports for all evaluated facilities and to aid in tracking remediation work and monitoring progress during the implementation of the ADA Transition Plan. The dashboard combines a project map and multiple visualizations to provide key insights for at-a-glance decision making. Users can view, filter, and summarize the project database, action log, and geographic information to understand accessibility improvement needs and associated funding required. Additionally, detailed reports for each facility can be opened directly within the dashboard. Additional layers such as capital improvement projects or areas of interest can be added to the dashboard to further enhance decision-making.

**Table 5. Prioritization Factors for Buildings/Parks**

Priority	Criteria
<b>1 (high)</b>	Complaint known or imminent danger present
<b>2 (high)</b>	<ul style="list-style-type: none"> <li>• Element is more than twice the allowable requirement. No known complaint.</li> <li>• AND (for exterior conditions) location is near a hospital, school, transit stop, government building, or other pedestrian attractor.</li> </ul>
<b>3 (high)</b>	<ul style="list-style-type: none"> <li>• Element is more than twice the allowable requirement. No known complaint.</li> <li>• AND (for exterior conditions) location is not near a hospital, school, transit stop, government building, or other pedestrian attractor.</li> </ul>
<b>4 (high)</b>	Issues with parking or exterior conditions (DOJ level 1) – moderately out of compliance
<b>5 (medium)</b>	Issues with access to goods and services (DOJ level 2) – severely out of compliance
<b>6 (medium)</b>	Issues with: <ul style="list-style-type: none"> <li>• Access to goods and services (DOJ level 2) – moderately out of compliance;</li> <li>• Parking or exterior conditions (DOJ level 1) – minimally out of compliance; OR</li> <li>• Restrooms (DOJ level 3) – severely out of compliance</li> </ul>
<b>7 (medium)</b>	Issues with: <ul style="list-style-type: none"> <li>• Access to goods and services (DOJ level 2) – minimally out of compliance;</li> <li>• Restrooms (DOJ level 3) – moderately out of compliance; OR</li> <li>• Drinking fountains or public phones (DOJ level 4 &amp; 5) – severely out of compliance</li> </ul>
<b>8 (medium)</b>	Issues with drinking fountains or public phones (DOJ level 4 & 5) - moderately out of compliance
<b>9 (low)</b>	Issues with restrooms (DOJ level 3) – minimally out of compliance
<b>10 (low)</b>	Issues with drinking fountains or public phones (DOJ level 4 & 5) - minimally out of compliance
<b>11 (low)</b>	<ul style="list-style-type: none"> <li>• Client is a Title II agency; AND</li> <li>• Elements out of compliance, but may be able to be handled programmatically or do not need to be handled unless or until the agency hires a person with a disability</li> </ul>
<b>12 (low)</b>	Element is fully compliant with an older standard (safe-harbored), but will need to be brought into compliance with current standards if altered

## 4.0 Facility Costs

### 4.1 Facilities Cost Projection Overview

To identify funding sources and develop a reasonable implementation schedule, cost projection summaries for only the facilities evaluated were developed for each facility type. To develop these summaries, recent bid tabulations from the Texas Department of Transportation (TxDOT) construction projects, along with Consultant Team experience with similar types of projects, were the basis for the unit prices used to calculate the improvement costs. A contingency percentage (20%) was added to the subtotal to account for increases in unit prices in the future in addition to an engineering design percentage (15%). All costs are in 2023 dollars. **Table 6** provides a summary of the estimated costs to bring each facility into compliance.

**Table 6. Summary of Facility Costs**

Facility Type	High Priority	Medium Priority	Low Priority	Total*
Buildings	\$ 16,700	\$ 94,300	\$ 82,300	\$ 193,300
Parks	\$ 55,100	\$ 165,500	\$ 47,900	\$ 268,500
Trails	\$ 7,400	\$ 102,600	---	\$ 110,000
<b>Total</b>	<b>\$ 79,200</b>	<b>\$ 362,400</b>	<b>\$ 130,200</b>	<b>\$ 571,800</b>

\*Table values are rounded for simplification

It is important to note that the facility cost estimates in **Table 6** only include the costs to remediate accessibility compliance issues as determined by a visual inspection of the facilities. Additional budget considerations should be given to the following:

- Aesthetic upgrades, such as remodeling/upgrading of outdated facilities;
- Current market conditions that may affect pricing of construction materials and labor, such as COVID-19;
- Construction challenges not visible during inspection, such as underground or in-wall utilities; and
- Other factors that may affect costs.

It is recommended that a design professional assist the City in determining the best overall design solutions with respect to various factors, including but not limited to, existing conditions, available construction budget, and consideration for all elements that are out of compliance in a particular area of a facility.

### 4.2 Implementation Schedule

**Table 7** details the barrier removal costs and proposed implementation schedule by facility type for all City-owned facilities evaluated. Actual annual budgets will vary to accommodate project scopes. For example, all barriers at a single intersection are recommended to be removed within the same project scope. Because cost projections vary by intersection, the actual annual budget may vary to accommodate all improvements at an intersection. This 10-year plan will serve as the implementation schedule for the Transition Plan. The City of Lewisville reserves the right to change the barrier removal priorities on an ongoing basis to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, and changes in City programs.

It is the intent of the City to have its ADA Coordinator work together with department heads and budget staff to determine the funding sources for barrier removal projects. Once funding is identified, the ADA Coordinator will coordinate the placement of the projects in the Capital Improvement Program (CIP) to be addressed on a fiscal year basis.

**Table 7. Implementation Schedule for Facilities Evaluated To-Date**

Facility Type	Estimated Cost	Implementation Schedule (years)	Approximate Annual Budget*
Buildings	\$ 193,300	3	\$ 97,000
Parks	\$ 268,500	10	\$ 135,000
Trails	\$ 110,000	10	\$ 55,000
<b>City Total</b>	<b>\$ 571,800</b>		
<b>Total Annual Budget</b>			<b>\$ 287,000</b>

\*Table values are rounded for simplification

### 4.3 Funding Opportunities

Several alternative funding sources are available to the City to complete the improvements in this Transition Plan. The funding opportunities include applying for resources at the federal and state level, consideration of local options, and leveraging private resources. The following sections detail some different funding source options.

#### 4.3.1 Federal and State Funding

There is federal and state funding available for the City to apply for through numerous agencies for various improvements. A summary of the available funding opportunities is available on the FHWA website:

[https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/funding/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/).

Most of these programs are competitive type grants; therefore, the City of Lewisville is not guaranteed to receive these funds. It will be important for the City to track these programs to apply for the funds. Federal-aid funding programs have specific requirements that projects must meet, and eligibility must be determined on a case-by-case basis.

#### 4.3.2 Local Funding

There are several local funding options for the City to consider, including:

- Community Development Block Grants (CDBG)
- Community Improvement District (CID) – A geographically defined district in which commercial property owners vote to impose a self-tax. Funds are then collected by the taxing authority and given to a board of directors elected by the property owners.
- General fund (sales tax and bond issue)
- Scheduled/funded CIP projects that are funded through bonds
- Special tax districts – A district with the power to provide some governmental or quasi-governmental service and to raise revenue by taxation, special assessment, or charges for services.
- Tax Increment Financing District (TIF) – A TIF allows cities to create special districts and to make public improvements within those districts that will generate private-sector development. During the development period, the tax base is frozen at the predevelopment level. Property taxes continue to be paid, but taxes derived from increases in assessed values (the tax increment) resulting from new development either go into a special fund created to retire bonds issued to originate the development or leverage future growth in the district.
- Transportation Reinvestment Zone



### 4.3.3 Private Funding

Private funding may include local and national foundations, endowments, private development, and private individuals. While obtaining private funding to provide improvements along entire corridors might be difficult, it is important for the City to require private developers to improve pedestrian facilities to current ADA requirements, whether it by new development or redevelopment of an existing property.

### 4.4 Next Steps

The City will begin internal coordination to address the programmatic and physical barriers identified in the Transition Plan.

The City will develop a budget to include the next 10 fiscal years. Projects identified in the ADA Transition Plan will be programmed within the 10-year budget based on prioritization provided (see **3.5 Prioritization**) and other factors determined by the City, such as how barrier removal can be incorporated into existing City projects identified for capital improvements and annual maintenance activities.

The City also intends to adopt the current version of PROWAG to enable City enforcement of these guidelines throughout the design and construction process of pedestrian facilities in the public rights-of-way.

## Appendix

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### Appendix A: Public Outreach

ADA Advisory Committee Meeting Notes

ADA Public Meeting Notes

Web Survey Response Summary

### Appendix B: City Facilities Inventory

Buildings

Parks

Trails

### Appendix C: Facility Reports

Buildings

Parks

Trails

### Appendix D: ADA Action Log