

RESOLUTION NO. 21-2733

A RESOLUTION OF THE CITY OF DENTON ADOPTING THE AMERICANS WITH DISABILITIES ACT TRANSITION PLAN; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, The American with Disabilities Act (ADA) prohibits discrimination in access to jobs, public accommodations, government services, public transportation, and telecommunications; and

WHEREAS, Title II of the ADA requires all programs, services, and activities (PSAs) of public entities provide equal access for individuals with disabilities; and

WHEREAS, The City of Denton has undertaken a comprehensive self-evaluation of its PSAs to determine the extent that individuals with disabilities may be restricted in their access and developed a transition plan; and

WHEREAS, the ADA Transition Plan will serve as a guide to the path of compliance for City of Denton sidewalks, facilities, parks, trails and will provide possible solutions to remove programmatic barriers; and

WHEREAS, the ADA Transition Plan will be used for the planning and implementation of necessary program and facility modifications over the next 30 years; and

WHEREAS, the City Council deems it in the public's best interest to adopt the ADA Transition Plan; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The findings and recitation contained in the preamble of this Resolution are incorporated herein by reference.

SECTION 2. The City of Denton ADA Transition Plan, which is attached hereto and made a part hereof, is hereby adopted as an official master plan of the City of Denton.

SECTION 3. This Resolution shall be effective immediately upon its passage and approval.

The motion to approve this resolution was made by Paul Meltzer and seconded by Alison Maguire, the resolution was passed and approved by the following vote [7-0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vicki Byrd, District 1:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Beck, District 2:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jesse Davis, District 3:	<u>✓</u>	_____	_____	_____
Alison Maguire, District 4:	<u>✓</u>	_____	_____	_____
Deb Armintor, At Large Place 5:	<u>✓</u>	_____	_____	_____
Paul Meltzer, At Large Place 6:	<u>✓</u>	_____	_____	_____

PASSED AND APPROVED this the 11th day of January, 2022.



 GERARD HUDSPETH, MAYOR

ATTEST:

ROSA RIOS, CITY SECRETARY

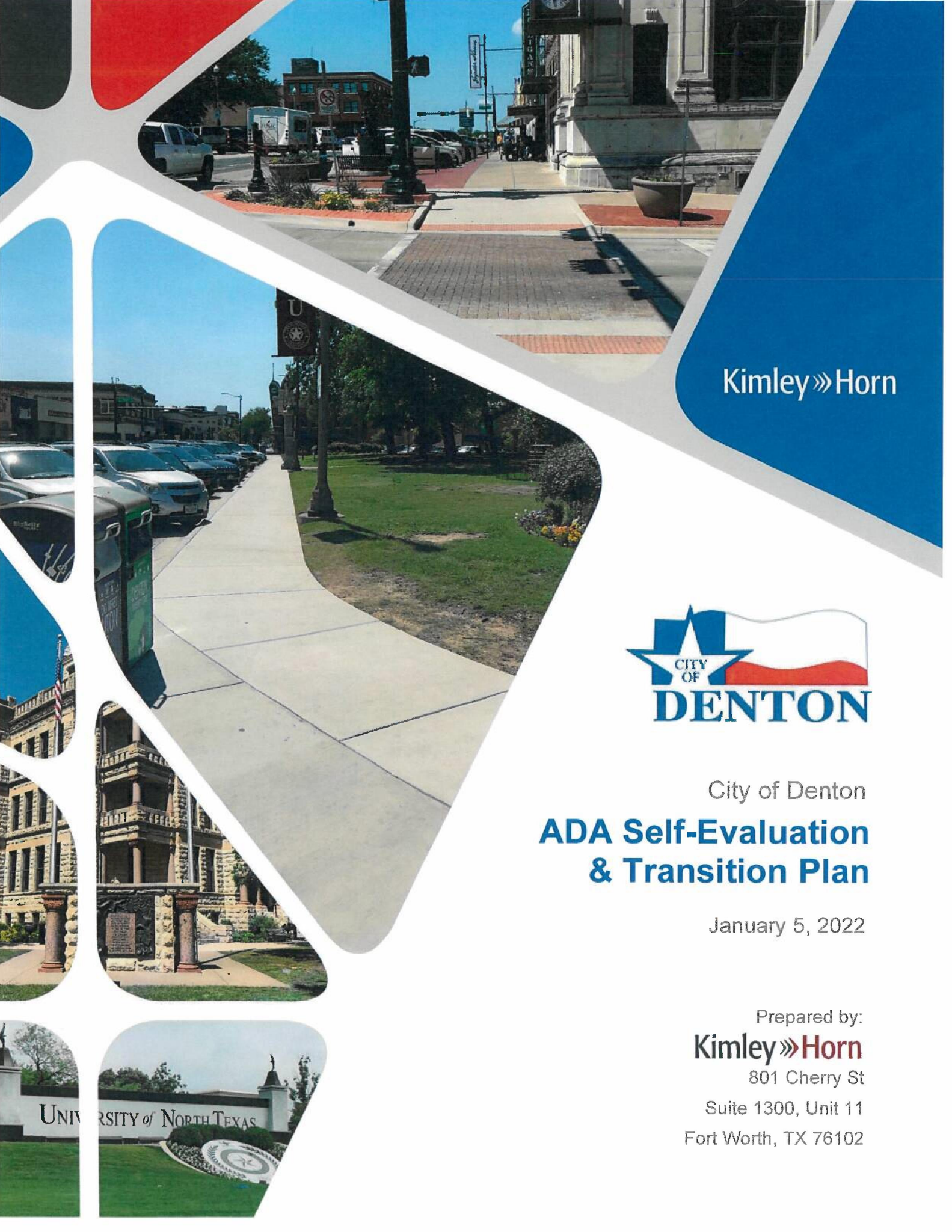
BY: 



APPROVED AS TO LEGAL FORM:
 MACK REINWAND, CITY ATTORNEY



BY: _____



Kimley»Horn



City of Denton
**ADA Self-Evaluation
& Transition Plan**

January 5, 2022

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Abbreviations

ADA – Americans with Disabilities Act

CFR – Code of Federal Regulations

CIP – Capital Improvement Program

DOJ – United States Department of Justice

EITA – Electronic and Information Technology Accessibility

FHWA – Federal Highway Administration

MUTCD – Manual on Uniform Traffic Control Devices

PROWAG – Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

PSA – Programs, Services, and Activities

TxDOT – Texas Department of Transportation

WAVE – Web Accessibility Evaluation Tool



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1.0 Introduction

1.1 Purpose

The purpose of this Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan is to summarize the current state of ADA accessibility compliance and to provide a roadmap for the City of Denton to execute, monitor, and update their ADA Transition Plan. Prioritization methodology for evaluating and implementing improvements was developed based on the applicable 2010 ADA Standards and 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), and the details are provided in this document.

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

1.2 Legislative Mandate

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA is comprised of five titles as described below, with Title II having the broadest impact on state and local governments. Additional information about the five titles of the ADA can be found at <https://adata.org/learn-about-ada>.

Title I: Employment, requiring equal employment opportunity for individuals with disabilities.

Title II: State and Local Government, requiring non-discrimination on the basis of disability for members of the public served by state and local governments.

Title III: Public Accommodations, requiring non-discrimination on the basis of disabilities by non-government providers of public accommodations and in commercial facilities.

Title IV: Telecommunications, requiring telephone and internet companies to provide a nationwide system of telecommunications relay services that allow individuals with hearing and speech disabilities to communicate over the telephone.

Title V: Miscellaneous Provisions, including a variety of provisions relating to the ADA.

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 Denton has prepared this Transition Plan to identify barriers to accessibility and plan for implementation of strategies for barrier removal.

1.3 ADA Self-Evaluation and Transition Plan Development Requirements and Process

The City of Denton 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 2010 ADA Standards and 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) that apply to facilities and other physical holdings.

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

- Completion of a Self-Evaluation;
- Development of an ADA complaint procedure;
- Designation of at least one (1) person who is responsible for overseeing Title II compliance; and
- Development of a Transition Plan to schedule the removal of the barriers uncovered by the Self-Evaluation process. The Transition Plan will become a working document until all barriers have been addressed.

This document describes the process developed to complete the evaluation of the City of Denton's PSAs and facilities, provides possible solutions to remove programmatic barriers, and presents a Transition Plan for the modification of facilities and public rights-of way to improve accessibility, which will guide the planning and implementation of necessary program and facility modifications over the next 30 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 its citizenry.

1.4 Discrimination and Accessibility

Program accessibility means that, when viewed in its entirety, each program is readily accessible to and usable by individuals with disabilities. A person with a disability is defined as someone who has a physical or mental impairment that substantially limits one or more major life activity. More information regarding what defines a disability can be found at <https://adata.org/faq/what-definition-disability-under-ada>. Program accessibility is necessary not only for individuals with mobility needs, but also to individuals with sensory and cognitive disabilities.

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:

1.4.1 Physical Barriers

- Parking
- Path of travel to, throughout, and between buildings and amenities
- Access to amenities such as swimming pools, playgrounds, elevators benches, and trash cans
- 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

1.4.2 Programmatic Barriers

- Building signage
- Customer communication and interaction
- Emergency notifications, alarms, and visible signals
- Participation opportunities for City sponsored events



1.4.3 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 made available to the public through posting on the City's website.

1.4.4 City of Denton Approach

The purpose of the Transition Plan is to provide the framework for achieving equal access to the City of Denton'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 Denton residents seek to enjoy, and guides future improvements. This Plan has been prepared after careful evaluation of all City facilities. Additionally, the City plans to complete a full evaluation of all programs, services, and activities in a future project phase.

The City of Denton is committed to making 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 Denton will not place surcharges on individuals with disabilities to cover the cost involved in making PSAs accessible.

1.4.5 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 NPGallery Database (<https://npgallery.nps.gov/nrhp>) and the associated geodatabase (<https://irma.nps.gov/DataStore/Reference/Profile/2210280>), there are eight (8) historical places within the City of Denton including the Cranston Site, Denton County Courthouse, Denton County Courthouse Square Historic District, the J. C. Lambert Site, Rector Road Bridge, the Rock-Griffith Site, the A. H. Serren Site, and the Wilson-Donaldson Site. 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.

1.5 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 for Accessible Design. 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 for Accessible Design, 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. Additionally, the Texas Department of Transportation (TxDOT) has adopted PROWAG and incorporated the guidelines into design standards for pedestrian facilities. The Manual on Uniform Traffic Control Devices (MUTCD) is also incorporated by reference within PROWAG. The City of Denton has generally adopted PROWAG and incorporated the guidelines into the City's design criteria. This allows for enforcement of these guidelines for all City projects within the public rights-of-way, regardless of the adoption status at the state and federal level.

2010 ADA Standards for Accessible Design

The Department of Justice's revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 were published in the Federal Register on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design, "2010 Standards." On March 15, 2012, compliance with the 2010 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 Standards for program accessibility and barrier removal.

PROWAG

The U.S. Access Board is developing new guidelines for public rights-of-way that will address various accessibility issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain. The new guidelines will cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. The Board's aim in developing these guidelines is to ensure that access for persons with disabilities is provided wherever a pedestrian way is newly built or altered, and that the same degree of convenience, connection, and safety afforded the public generally is available to pedestrians with disabilities. Once these guidelines are adopted by the Department of Justice, they will become enforceable standards under Title II of the ADA. However, in a memorandum dated January 23, 2006 from the Federal Highway Administration, the draft 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 for Accessible Design.

In the state of Texas, the Texas Administrative Code (TAC) references PROWAG compliance for elimination of barriers for public rights-of-way projects. Similarly, the Texas Department of Licensing and Regulation (TDLR) has incorporated PROWAG into their Texas Accessibility Standards (TAS) and site review process. As projects are completed, TDLR inspections are required to review compliance with these standards.

MUTCD

Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic. These devices are 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.

1.6 Maintenance Versus Alterations

The 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 be distributed to the appropriate City of Denton staff regarding when curb ramp installations (where curb ramps are missing) or curb ramp improvements (where existing curb ramps are non-compliant) are required within the limits of a project.

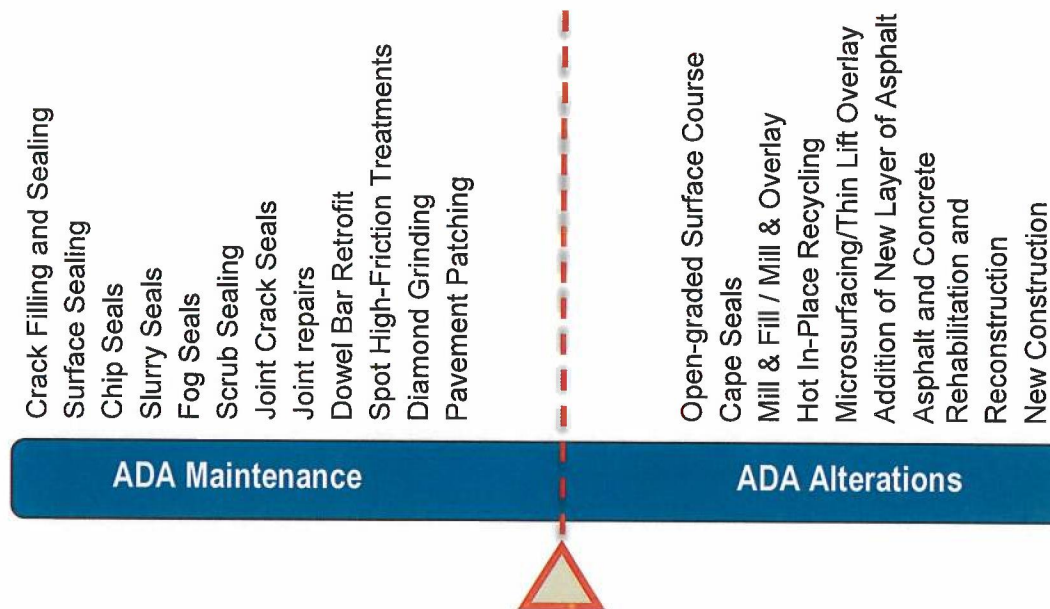
The Americans with Disabilities Act of 1990 (ADA) is a civil rights statute prohibiting discrimination against persons with disabilities in all aspects of life, including transportation, based on regulations promulgated by the United States Department of Justice (DOJ). DOJ's regulations require accessible 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.

Figure 1. Maintenance versus Alteration Projects



Source: DOJ Briefing Memorandum on Maintenance versus Alteration Projects

1.7 FHWA Guidance on Closing Pedestrian Crossings

An alteration that decreases or has the effect of decreasing the accessibility of a facility below the requirements for new construction at the time of the alteration is prohibited. For example, the removal of an existing curb ramp or sidewalk (without equivalent replacement) is prohibited. However, the FHWA has indicated a crossing may be closed if an engineering study (performed by the City and not included in the scope of this Transition Plan) determines the crossing is not safe for any user. The crossing should be closed by doing the following:

- A physical barrier is required to close a crossing at an intersection. FHWA has determined that a strip of grass between the sidewalk and the curb IS acceptable as a physical barrier.
- A sign should be used to communicate the closure.

Agencies wishing to close certain intersection crossings should have a reasonable and consistent policy on when to do so. If safety concerns are established by an engineering study, a pedestrian crossing should not be accommodated for any user. The City will consider closing an existing pedestrian crossing, including those that are accommodated based on the existing conditions at the crossing location (e.g., existing sidewalk leading up to the curb in the direction of the crossing or existing curb ramp or crosswalk serving the crossing), if it is determined to be unsafe by an engineering study.

1.8 Existing City Programs that Support ADA Compliance

The City of Denton currently implements ADA compliant designs and improvements through the following efforts:



- City Streets Department performs maintenance and repairs to existing sidewalks, ramps, and traffic signals to achieve ADA compliance for non-compliant features.
- City Capital Projects and Engineering Department provides specifications and standards for installation of new sidewalks and curb ramps being constructed by the City or any entity constructing improvements in the public rights of way.
- City Public Works Inspections Department inspects and accepts recent improvements to ensure compliance with relevant standards and ADA criteria.
- City Parks and Recreation Department has completed the following actions:
 - Installation of new benches and associated clear space in parks
 - Inspection of recently constructed projects to ensure compliance with relevant standards
 - Hiring of Adapted and Inclusive Recreation Coordinator to help grow Park and Recreation programming
 - Coordinating with the Denton Parks Foundation to develop a fundraising program for a future inclusive playground
 - Integration of the City's ADA Transition Plan into the Parks, Recreation, and Trails System Master Plan
 - Presentation of City's ADA Transition Plan to Parks, Recreation, and Beautification Board in December 2021.

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2.0 Committee on Persons with Disabilities and Public Outreach Summary

The City of Denton has received public input on the development of the Transition Plan through public meetings which were hosted on April 18, 2019, at 6:00 PM and March 18, 2021 at 3:00 PM. The meeting was attended by members of the City's Committee on Persons with Disabilities as well as other members of the general public. The City will continue to solicit feedback from the public on the Transition Plan.

Public meeting materials and summaries are provided in **Appendix A**.

2.1 Web Survey

The City also developed a web survey that was 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.

Survey comment response have been summarized in the bullets below, and all comments received have been provided in **Appendix A**.

Survey response feedback summary:

- The City is generally accepting and accommodating of persons with disabilities, though there are still improvements to be made.
- Sidewalk with obstructions such as utility poles, broken panels, utility boxes, and trees limit access.
- Construction limits access, ensure adequate alternate routes are provided during periods of construction.
- Connectivity of the pedestrian sidewalk network and the frequency of "missing sidewalk" sections should be considered where there are small gaps in the sidewalk. While not specifically a barrier based on accessibility, the gaps are problematic for all users.

2.2 Web Map

The City also developed an online map to allow the public to identify specific locations where they experience issues related to accessibility, safety, connectivity, or suggestions for accessibility improvements that are needed in Denton.

The web survey and map were sent out through social media and emailed to members of the Committee on Persons with Disabilities for redistribution. Opportunities for public feedback were publicized during the summer of 2019 and again during the spring and summer of 2021. These resources will continue to serve as a tool to solicit feedback from the public on the Transition Plan.



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3.0 Self-Evaluation and Summary of Findings

The City of Denton's ADA Transition Plan currently reflects a comprehensive review of City-maintained building facilities, parks, signalized intersections, public rights-of-way sidewalks, and associated curb ramps. The Transition Plan will be updated to include the results of a comprehensive review of the programs, services, and activities provided to employees and the public once these elements are completed in a future phase.

3.1 Programs, Procedures, and Policies Review

Under the ADA, the City of Denton is required to complete a Self-Evaluation of the City's facilities, programs, policies, and practices. The Self-Evaluation identifies and provides possible solutions to those 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.

Strategies to achieve program accessibility include but are 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 alteration of an existing facility;
- (4) Policy modifications to ensure nondiscrimination; and
- (5) Auxiliary aids provided to produce effective communication.

3.1.1 ADA/504 Coordinator (Title I / Title II)

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.

ADA/504 Coordinator: Self-Evaluation Findings

The City of Denton has appointed three separate ADA Coordinators, each serving a different area of responsibility for the City. Below is their contact information.

Deby Skawinski, ADA Coordinator
Human Resources

Scott Gray, ADA Coordinator
City Facilities

Nathan George, AICP, ADA Coordinator
Capital Projects and Engineering

601 E. Hickory St., Suite A, Human Resources
Denton, TX 76205



Office: 940-349-7810
Relay: 1-800-735-2989
Main Line: 940-349-8200
ada@cityofdenton.com

This information is posted on the Americans with Disabilities Act Notice page on the City website (here: <https://www.cityofdenton.com/499/Americans-with-Disabilities-Act-ADA-Noti>).

The City may consider having only a single official ADA coordinator, and have representatives from other City departments serve as ADA Liaisons. The ADA Liaisons would be responsible for tasks that are specific to their department, and all information would be funneled through the single ADA Coordinator. This format allows for a single point of contact when member of the public is seeking the City's ADA Coordinator to file a grievance or ask a question. The ADA Coordinator's information should be prominently displayed in common areas that are accessible to all employees and areas open to the public. Also, the ADA Coordinator contact information should be included in materials that are distributed from the City as part of the public notice under the ADA described in **Section 4.1.4**. This includes posting this information on the website. More information is available in Chapter 2 of the ADA best practice toolkit here: <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

3.1.2 Roles and Responsibilities of the ADA/504 Coordinator

Below is a list of qualifications for ADA 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.

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. Neither Title II nor its implementing regulations describe what ADA grievance procedures must include; however, the U.S. Department of Justice suggests the follow content:

- A description of how and where a compliant under Title II may be filed with the government entity;
- If a written compliant 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 (Title II): Completed Actions

- The City has established a Title II ADA grievance policy, procedure, and form with an appeals process, that is available in alternative formats so that it is accessible to all people with disabilities.
- A copy of the Title II Grievance Procedure which includes a link to the City's online grievance form have been provided in **Appendix B**.

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 programs, services, and activities. This notice is required to include information regarding Title II of the ADA and how it applies to the programs, services, and activities of the public entity. The Department of Justice suggests including brief statements about:

- Employment;
- Effective communication;
- Making reasonable modifications to policies and programs;
- Not placing surcharges on modifications or auxiliary aids and services; and
- Filing complaints.

Public Notice Under the ADA: Completed Actions

- The City has published an ADA Public Notice, which is available on the Americans with disabilities act notice page on the City's website (here: <https://www.cityofdenton.com/499/Americans-with-Disabilities-Act-ADA-Noti>).

3.2 Programs, Services, and Activities Review

The City of Denton will compile a list of all City programs, services, and activities for compliance with Title II of the ADA in a future phase. The City will evaluate current status regarding ADA requirements including eligibility requirements, participation requirements, facilities used, staff training, tours, transportation, communication, notifications, public meetings, the use of contracted services, purchasing, maintenance of accessible features, and emergency procedures.

The inventory and Self-Evaluation of these PSAs will be completed in a future project phase and updates to the City's Transition Plan will be made to include findings and possible solutions for identified barriers. Detailed information related to the status of the City's programs, services, and activities will be contained in **Appendix G**.

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 can only be made by the ADA/504 Coordinators and/or an authorized designee of the City, such as the City Manager 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 deemed 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.

3.3 Facilities Self-Evaluation Action Plan

The Federal Highway Administration (FHWA) has provided guidance on the ADA Transition Plan process in their “INFORMATION AND ACTION: ADA Transition Plan Process” memo dated November 17, 2015 (see **Appendix C**). While this memo specifically addresses State Departments of Transportation, FHWA also recommends this guidance for local municipalities until municipality-specific guidance is developed by FHWA. The memo includes a checklist for elements to be included in an ADA Transition Plan and other ADA requirements that agencies must fulfill.

Items included in the FHWA checklist related to the public rights-of-way are:

- **Inventory of Barriers** (identification of physical obstacles)
 - Identify intersection information, including curb ramps and other associated accessibility elements.
 - Require an Action Plan to develop an inventory of sidewalks (slopes, obstructions, protruding objects, changes in level, etc.), signals (including accessible pedestrian signals), bus stops (bus pads), buildings, parks and amenities, parking, rest areas (tourist areas, picnic areas, visitor centers, etc.), mixed use trails, linkages to transit.
 - Discuss jurisdictional issues/responsibilities for sidewalks.
- **Schedule**
 - Show a strong commitment toward upgrading ADA elements identified in the inventory of barriers in the short-term (planned capital improvement projects and maintenance activities).
 - Show a strong commitment over time toward prioritizing curb ramps at walkways serving entities covered by the ADA.
 - Schedule should include prioritization information, planning, and investments directed at eliminating other identified barriers over time.
Dedicate resources to eliminate identified ADA deficiencies.
- **Implementation Methods**
 - Describe the methods that will be used to make the facilities accessible and include the governing standard (e.g., 2010 ADA Standards, 2011 PROWAG).

The City of Denton has evaluated all City-owned and/or maintained facilities for compliance with 2010 ADA Standards for Accessible Design, the 2012 Texas Accessibility Standards, and 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG).

3.4 Existing Facility Inventory

The first step in completing a Self-Evaluation Action Plan is understanding what facilities the City is responsible for maintaining and where each of these facilities is located. The existing facility inventory includes City-owned or maintained buildings, parks, signalized intersections, and sidewalk corridors that existed at the time this Transition Plan was developed (2019 for intersections and sidewalks and 2021 for building and park facilities). Inventories for buildings, parks, signalized intersections, and sidewalk corridors have been developed and are summarized in the following sections.

3.4.1 Buildings and Facilities

All City-maintained buildings and facilities have been inventoried through coordination with City staff and documented in a map and ArcGIS-based geodatabase. The inventory resulted in documentation of 72 City-maintained buildings that are listed in **Table 1** and shown on a map in **Appendix D**.

If a City of Denton employee requests an accommodation to work at an employee-only area in one of the buildings where all requirements for public access have not been met, the City will evaluate the associated elements at that property at the time of the request per ADA Title I requirements for employers.

Table 1. City Buildings

Buildings	
Location Name	Property Address
1. Civic Center	321 E McKinney St.
2. Civic Center Pool	515 N Bell Ave.
3. Denton Senior Center	509 N Bell Ave.
4. Natatorium	2400 Long Rd.
5. Denia Recreation Center	1001 Parvin St.
6. MLK Jr Recreation Center	1300 Wilson St.
7. American Legion Hall Senior Center	629 Lakey St.
8. North Lakes Recreation Center	2001 W Windsor Dr.
9. Airport Control Tower	5003 Airport Road
10. Airport LESA	4550 Schweizer
11. Airport Terminal & Admin Building	5000 Airport Road
12. Quebec Hangars	2031 - 2241 Skylane
13. T-Hanger	5000 Airport Road
14. Monsignor King Outreach Center	300 Woodrow Lane
15. Electric Administration Building	1659 Spencer Rd
16. Engineering and Systems Operations	1685 Spencer Road
17. Transmission Engineering Department Building	1671 Spencer Road
18. Metering Pit	1701 Spencer Road
19. DME Garage	1701 Spencer Road
20. Utility Office/Field Operations	1701-C Spencer Road
21. DME Parking Facility	1701 D. Spencer Road
22. Facilities Management	869 S. Woodrow
23. New Central Fire Station	332 E. Hickory
24. Fire Station #2	110 Mockingbird Lane
25. Fire Station #3	1204 McCormick
26. Fire Station Annex (Old #4)	2110 Sherman Drive
27. New Fire Station #4	2116 E. Sherman Drive
28. Fire Station #5	2230 Windsor
29. Fire Station #6	3232 Teasley Lane
30. Fire Station #7	4201 Vintage Blvd.

Table 1. City Buildings (continued)

Buildings	
31. Fire Drill Tower (Fire Station #7)	4201 Vintage Blvd.
32. Fire Outdoor Classroom (Fire Station #7)	4111 Vintage Blvd.
33. Fire Station #8	3131 Colorado Boulevard
34. City Hall	215 East McKinney Street
35. Emily Fowler Library	405 Oakland
36. North Branch Library	3020 N. Locust
37. South Branch Library	3228 Teasley Lane
38. Fleet Service Center	801 Texas Street
39. Service Center	801 Texas Street
40. Traffic Control	801 Texas Street
41. Center for Visual Arts	400 E. Hickory Street
42. North Lakes Annex	1117 Riney Road
43. Linda McNatt Animal Care & Adoption Center	3717 N. Elm Street
44. Police Firing Range	Airport Road
45. SW Triple Wide	527 S. Mayhill Road
46. ECO-W.E.R.C.S. @ Pecan Creek	651 Mayhill Road
47. Master Recycling Svcs - Building 101	1001 S. Mayhill Road
48. Landfill Weigh Station	1527 S. Mayhill Road, #104
49. Household Hazardous Waste Building	1527 S. Mayhill, Building 300
50. Solid Waste Maintenance Building	1527 S. Mayhill Road
51. Solid Waste Services Building	1527 S. Mayhill Road
52. Truck Wash	1521 S. Mayhill Road
53. Alternative Fuel Island	1521 S. Mayhill Road
54. City Hall East (Municipal Complex)	601 East Hickory
55. City Hall West (vacant)	221 North Elm Street
56. Denton Development Center	401 N. Elm Street
57. PCRP - Administration	1100 Mayhill Road
58. PCRP - Belt Press Building	1100 Mayhill Road
59. PCRP - Beneficial Reuse Building	1100 Mayhill Road
60. PCRP - Electronics Office	1100 Mayhill Road
61. PCRP - New Administration Building	1100 Mayhill Road
62. PCRP - Old Blower Building	1100 Mayhill Road
63. PCRP - Operations Building	1100 Mayhill Road
64. PCRP - Pretreatment Building	1100 Mayhill Road
65. LL WTP - Blower Building	1701-B Spencer Road
66. LL WTP - Maintenance Building	1701-B Spencer Road
67. LL WTP - Operations Building	1701-B Spencer Road
68. LL WTP - Ozone Generator Building	1701-B Spencer Road
69. LRR WTP - Admin Building	16525 Lake Ray Roberts Road

Table 1. City Buildings (continued)

Buildings	
70. LRR WTP - Ozone Generation Building	16525 Lake Ray Roberts Road
71. Denton Energy Center	8161 Jim Christal Road
72. Solid Waste Fleet/Maintenance Shop	1527 S. Mayhill Road

3.4.2 Parks

All City-maintained parks have been inventoried and documented in a map and ArcGIS-based geodatabase. 38 City-maintained parks are listed in **Table 2a** and shown on a map in **Appendix D**. Within the parks, 22 paved trails and three (3) unpaved trails were identified as part of the facility inventory. These trails are listed in **Table 2b** and shown on a map in **Appendix D**.

Table 2a. City Parks

Parks	
Location Name	Property Address
1. Goldfield Tennis Center and North Lakes Park Driving Range	2005 W Windsor Dr.
2. Briercliff Park	3200 State School Road
3. Industrial Park	108 Industrial St
4. Nette Shultz Park	1517 Mistywood Lane
5. North Lakes Park <i>Soccer Office and Concession Stand</i> <i>#3 Pavillion</i> <i>Football Concession Stand</i> <i>Softball Concession Stand</i> <i>Soccer Concession Stand</i> <i>Vela Concession Stand</i>	2001 W Windsor Dr
6. Quakertown Park	700 Oakland St
7. South Lakes Park	556 Hobson Lane
8. IOOF Cemetery	711 S Carroll Blvd
9. Oakwood Cemetery	500 S Bradshaw
10. Avondale Park	2021 Devonshire Dr
11. Carl Young, Sr. Park	327 S Wood St
12. Cross Timbers Park South	8402 Clear River Ln
13. Denia Park <i>Concession Stand</i>	1001 Parvin St
14. Evers Park <i>North Baseball Concession Stand</i> <i>South Baseball Concession Stand</i>	3201 N Locust St
15. Fred Moore Park	500 S Bradshaw St
16. Lake Forest Park	1760 E. Ryan Rd
17. Mack Park <i>Baseball Concession Stand</i>	1700 E. McKinney St.
18. Martin Luther King Jr. Park	1300 Wilson St

Table 2a. City Parks (continued)

Parks	
Location Name	Property Address
19. McKenna Park	700 N Bonnie Brae
20. Skate Works	2400 Long Road
21. Spc. Ernest W. Dallas Jr. Veterans Memorial Park	6100 Sunray Dr
22. Water Works Park	2400 Long Road
23. Bowling Green Park	2200 Bowling Green St
24. Carnegie Ridge Park (Patrick)	6500 Ridglea Court
25. Cross Timbers Park North	7601 Waterside Pl
26. Cooper Creek Linear Park	1511 Stuart Rd
27. Cooper Glen Park	3330 N Locust St
28. Sherman Park	1400 Stuart Rd
29. Frontier Park	3001 Frontier Drive
30. Jimmy Carter Park	2603 N Bell Ave Tx
31. Joe Skiles Park	1721 Stonegate Dr
32. Milam Park	256 Mockingbird Lane
33. North Pointe Park	1400 W. Hercules Lane
34. Owsley Park	2425 Stella St
35. Sequoia Park	1404 E University Dr
36. Wheeler Ridge Park	3100 Lipizzan Dr
37. Clear Creek Natural Heritage Center	3310 Collins Road
38. Greenbelt (open space)	East University

Table 2b. City Park Trails

Paved Park Trails	
Location Name	Property Address
1. Katy Trail (Denton Rail Trail)	N/A
2. Nette Shultz Trail	1517 Mistywood
3. North Lakes Trail	2001 W Windsor
4. Quakertown Trail	321 E McKinney
5. South Lakes Trail	501 Hobson
6. Avondale Trail	2021 Devonshire
7. Evers Park Trail	3201 N Locust
8. Fred Moore Trail	500 S Bradshaw
9. Lake Forest Trail	1760 E. Ryan Rd
10. Northwest Denton Trail	Evers Pkwy to W Windsor
11. Preserve at Pecan Creek	4701 Lakeview Blvd
12. Special Ernest W Dallas Jr	1400 LF Loop
13. Unicorn Lake / Briercliff Trail	3000 State School Road

Table 2b. City Park Trails (continued)

Paved Park Trails	
Location Name	Property Address
14. Bowling Green Trail	2200 Bowling Green
15. Carl Young Park Trail	327 S Wood
16. Cooper Creek Trail	1511 Stuart Rd
17. Cross Timbers Trail	7601 Waterside Pl
18. Denia Trail	1001 Parvin
19. Frontier Park Trail	600 LF Loop
20. North Pointe Trail	West Hercules Lane
21. Sequoia Trail	1400 E University Dr
22. Wheeler Ridge Trail	3100 Lipizzan Dr
Unpaved Park Trails	
Location Name	Property Address
1. IOOF Cemetery Trail	2520 LF Loop
2. Oakwood Cemetery Trail	1535 LF Loop
3. Clear Creek Trail	3310 Collins Road

3.4.3 Signalized Intersections

All City-maintained signalized intersections have been inventoried and documented in a map and ArcGIS-based geodatabase. A portion of the signalized intersections fall along TxDOT roadways, however, the maintenance agreement between the City of Denton and TxDOT states that it is the City of Denton’s responsibility to maintain these signalized intersections. Based on the inventory, the City maintains 125 signalized intersections which are shown on a map in **Appendix D**.

3.4.4 Sidewalk Corridors

Using aerial imagery and existing inventory information, an updated GIS-based inventory of City-maintained sidewalk corridors and cross street locations was developed in 2019. Based on the inventory, the City of Denton maintains approximately 374 miles of sidewalk corridors, including pedestrian street and driveway crossings. There are approximately 7,500 curb ramps that exist at unsignalized cross street intersections and driveways and alleys along the City-maintained sidewalk corridors. A map of the inventoried sidewalk corridors has been evaluated in **Appendix D**.

3.4.5 Facility Inventory Summary

Based on the completed inventory for facilities in the public right-of-way, the City has identified the following facilities for future evaluation:

- 72 buildings;
- 38 parks which include 22 paved trails and 4 unpaved trails;
- 139 signalized intersections; and
- 374 miles of sidewalk and approximately 7,500 curb ramps at unsignalized intersections, driveways, and alleys along the sidewalk corridors.

3.5 Prioritization

The following sections outline the prioritization factors and results of the prioritization for buildings, parks, signalized intersections, sidewalks, and unsignalized intersections. Each facility type has a different set of parameters to establish the prioritization for improvements. These prioritization factors were taken into consideration when developing the implementation plan for the proposed improvements.

3.5.1 Prioritization Factors for Facilities

To aid in the development of the implementation plan, prioritization and condition index information has been provided for each building, park, signalized intersection, sidewalk, and unsignalized intersections with identified compliance issues. **Tables 3-6** provide the prioritization criteria for the evaluated facilities. All compliance elements included in the prioritization schedule are based on requirements from the 2010 ADA Standards for Accessible Design, PROWAG, and the Texas Accessibility Standards. While every effort will be made to design and implement improvements to be consistent with these standards, the City will provide access to the maximum extent feasible where full compliance is technically infeasible. Priorities were assigned based on DOJ priorities for facility access, previous project experience, and case law with respect to the severity of non-compliance. FHWA and DOJ have not provided any guidance on how to prioritize issues, only that prioritization information should be included as part of the schedule; however, best practices suggest that the prioritization methodology and resulting thresholds be first based on the severity of non-compliance (i.e., dangerous condition) and then second based on the barrier's proximity to pedestrian attractors (e.g., adjacent to a hospital or governmental facility with high daily pedestrian traffic). Since raw data has been collected during the Self-Evaluation, all data needed for prioritization is contained in the database except for known complaints. Any complaints received by the City will be reviewed, and associated prioritization updates will be incorporated into the database.

Buildings, Parks, and Trails were prioritized on a 12-point scale, which is defined in **Table 3**. This prioritization methodology was developed by the Consultant Team to aid the City in determining how the building should be prioritized for improvements based on the severity of non-compliance with ADA.

Signalized intersections were prioritized on a 13-point scale. The 13-point scale, which is used to prioritize signalized intersections, is defined in **Table 4**. This prioritization methodology was developed by the Consultant Team to aid the City in determining which signalized intersections should be prioritized for improvements over other signalized intersections based on the severity of non-compliance with ADA.

Sidewalk corridors and curb ramps were prioritized on a 3-point scale and were given a priority of either High/Severe, Medium/Moderate, or Low/Slight based on the severity of non-compliance, which is defined in **Table 5**. After the identification of priorities for individual sidewalk segments, a sidewalk condition index is used to represent the overall condition of the sidewalk corridor based on the frequency and severity of issues. The sidewalk condition index is broken into subcategories as shown in **Table 6**. Additionally, the City of Denton is developing a sidewalk Pedestrian Potential Index to help guide the prioritization of improvements along City sidewalk corridors.

Table 3. Prioritization Factors for Buildings, Parks, and Trails

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

Table 4. Prioritization Factors for Signalized Intersections

Priority	Criteria
1 (high)	Grievance filed on curb ramp or intersection or known accident/injury at site
2 (high)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Running slope > 12% • Cross slope > 7% • Obstruction to or in the curb ramp or landing • Level change > ¼ inch at the bottom of the curb ramp • No detectable warnings AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
3 (high)	<ul style="list-style-type: none"> • No curb ramp where sidewalk or pedestrian path exists AND within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
4 (high)	No curb ramps, but striped crosswalk exists
5 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Running slope > 12% • Cross slope > 7% • Obstruction to or in the curb ramp or landing • Level change > ¼ inch at the bottom of the curb ramp • No detectable warnings AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
6 (medium)	<ul style="list-style-type: none"> • No curb ramp where sidewalk or pedestrian path exists AND NOT within a couple of blocks of a hospital, retirement facility, medical facility, parking garage, major employer, disability service provider, event facility, bus/transit stop, school, government facility, public facility, park, library, or church, based on field observations.
7 (medium)	Existing diagonal curb ramp (serving both crossing directions on the corner) is non-compliant and should be replaced with two curb ramps, one serving each crossing direction on the corner.
8 (medium)	Existing curb ramp with any of the following conditions: <ul style="list-style-type: none"> • Cross slope > 5% • Width < 36 inches • Median/island crossings that are inaccessible
9 (low)	Existing curb ramp with either running slope between 8.3% and 11.9% or insufficient turning space
10 (low)	Existing diagonal curb ramp without a 48-inch extension into the crosswalk
11 (low)	Existing pedestrian push button is not accessible from the sidewalk and/or curb ramp
12 (low)	Existing curb ramp with returned curbs where pedestrian travel across the curb is not protected
13 (low)	All other intersections not prioritized above

Table 5. Prioritization Factors for Sidewalk Corridors and Curb Ramps

Criteria	Description	Priority		
		1 (Severe)	2 (Moderate)	3 (Slight)
Heave	Sidewalk/ramp or multiple slabs have uplifted over a short length	> 5" over 5' (> 8%)	2.5" to 5" over 5' (4% to 8%)	0" to 2.5" over 5' (4%)
Sag	Sidewalk/ramp or multiple slabs have settled over a short length	> 5" over 5' (> 8%) Will pond up to 2.5"	2.5" to 5" over 5' (4% to 8%) May pond up to 5"	0" to 2.5" over 5' (4%) May pond up to 2.5"
Tilt	Sidewalk/ramp or multiple slabs have tilted over a short length	> 4% (> 1" over 2')	2% to 4% (1/2" to 1" over 2')	0% to 2% (1/2" over 2')
Shattered Slab	Slab/walk/ramp have two or more cracks and may be associated with settlement	Cracks > 1", noticeable settlement	Cracks 1/4" to 1", slight settlement	Slab still flat, cracks < 1/4"
Transverse Crack	A crack across the width of a slab/walk/ramp	Cracks > 1", noticeable displacement	Cracks 1/4" to 1", slight displacement	Slab still flat, cracks < 1/4"
Longitudinal Crack	A crack along the length of a slab/walk/ramp	Cracks > 1", noticeable displacement	Cracks 1/4" to 1", slight displacement	Slab still flat, cracks < 1/4"
Fault	Vertical displacement at a joint or crack (either up or down)	> 1"	1/2" to 1"	< 1/2"
Texture	Loss of fines, crazing, pop outs or scaling of the sidewalk/ramp surface	The surface texture is rough - aggregate exposed almost like gravel, small wheels stop rolling	Surface has lost its fines, aggregate exposed, small wheels will jam while rolling	Surface is just starting to lose its smooth texture, slight exposing of aggregate - still suitable for small wheels
Corner Break	The corner of a slab/ramp (greater than a 6 square inch area) has broken off or edge of walk has become ragged	Cracks > 1", noticeable settlement, edge is jagged and failed	Cracks 1/4" to 1", slight settlement, edge noticeably deteriorated	Slab still flat, cracks < 1/4", edge slightly deteriorated
Joint Damage	The joints have opened up or loss of joint sealant	Joint is opened > 2" and weeded	Joint is opened 1" to 2" and weeded	Joint is opened up to 1"
Patching	The sidewalk/ramp has been patched or cut and patched	Patch has dropped or heaved, failed, very rough and will trap small wheels	Patch is starting to fail, rough or made from dissimilar material	Patch is smooth matching sidewalk surface and made of similar material
Slope	The sidewalk/ramp has excessive slope	> 12.5% slope 3" in 2'	8.33% to 12.5% 2" to 3" in 2'	Up to 8.33% slope Up to 2" in 2'

Table 6. Condition Index Rating for Sidewalk Corridors and Unsignalized Intersection Curb Ramps

Condition Rating	Condition Index Range
Excellent	$90 \leq \text{Condition Index} \leq 100$
Very Good	$80 \leq \text{Condition Index} < 90$
Good	$70 \leq \text{Condition Index} < 80$
Fair	$60 \leq \text{Condition Index} < 70$
Marginal	$40 \leq \text{Condition Index} < 60$
Poor	$20 \leq \text{Condition Index} < 40$
Very Poor	$0 \leq \text{Condition Index} < 20$

3.6 Facilities Review

The City's Self-Evaluation Action Plan outlines a proposed prioritization and schedule for public facilities to be evaluated for compliance. Based on this plan, the facility assessments were completed in both 2019 and 2021. Facility assessments were completed through in-person inspection for buildings, parks, and signalized intersections. Sidewalk corridors assessments were completed through a combination of automated measurements from an ATV-mounted gyroscope slope analysis system, issue locations extracted from high-resolution video, and in-person inspection.

All City buildings with public access have been evaluated for compliance with the 2010 ADA Standards for Accessible Design and the 2012 Texas Accessibility Standards, including parking lots, path of travel from the parking lot to the building, access into the building, signage, building interiors where public access is provided, drinking fountains, telephones, bathrooms, and counter heights. A summary of the building evaluations and the associated detailed project reports are included in **Appendix E1**.

All existing parks and trails have been evaluated for compliance with the 2010 ADA Standards for Accessible Design and the 2012 Texas Accessibility Standards, including parking lots, path of travel from the parking lot to the park amenities, access into facilities, signage, drinking fountains and restrooms. City-owned or maintained paved trails, unpaved-trails and pedestrian bridges within these parks have also been evaluated for ADA compliance. A summary of the park evaluations and the associated detailed project reports are included in **Appendix E2**.

All City-owned or maintained signalized intersections have been evaluated for compliance with PROWAG. Signalized intersection evaluations document the conditions and measurements along the pedestrian path of travel, which includes street crossings, curb ramps, sidewalk adjacent to the curb ramps, and pedestrian signal equipment and adjacent clear spaces. A summary of the signalized intersection evaluations and the associated detailed project reports are included in **Appendix E3**.

All City-maintained pedestrian paths of travel have been evaluated for compliance with PROWAG based on the conditions and measurements along the pedestrian path of travel, which includes the sidewalk, curb ramps, and pedestrian crossings at driveway openings. At intersections where existing sidewalk does not cross the curb, and curb ramps are not installed, no evaluations are needed. Locations where curb ramps are missing, but are required, have also be identified and included in the Transition Plan.

The ADA of 1990, Section 35.150, Existing Facilities, requires that the Transition Plan include a schedule for providing curb ramps or other sloped areas at existing pedestrian walkways, which applies to all facilities constructed before 1992. For any sidewalk installations constructed from 1992 to March 15, 2012, the curb ramps should have been installed as part of the sidewalk construction project per the 1991 Standards for Accessible Design, Section 4.7 Curb

Ramp, which states, “curb ramps complying with 4.7 shall be provided wherever an accessible route crosses a curb.” For sidewalk installations constructed on or after March 15, 2012, similar guidance is provided in the 2010 Standards for Accessible Design, Section 35.151 of 28 CFR Part 35, New Construction and Alterations, which states, “newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at any intersection having curb or other sloped areas at intersections to streets, roads, or highways.”. A summary of the sidewalk corridor and unsignalized intersection curb ramp evaluations and the associated detailed project reports are included in **Appendix E3**.

A listing of evaluated facilities and summary of the associated Self-Evaluation findings and possible solutions is provided in **Appendices E1-E3**.

3.7 Conclusion

This document serves as the ADA Transition Plan for the City of Denton. In developing the Transition Plan, City facilities were reviewed for compliance with ADA guidelines and a Self-Evaluation was conducted on the following facilities:

- 72 buildings;
- 38 parks including 22 paved trails and four (4) unpaved trails;
- 123 signalized intersections; and
- 374 miles of sidewalk and driveways along the sidewalk corridors.

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 development of the plan.

The City is taking the actions referenced below and will continue to look for and remedy, barriers to access to ensure that Denton citizens who are disabled are given access to the City's facilities and PSAs.

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. It is anticipated that the ADA Action Log and associated corrective actions will be tracked through the City's asset management platform. See the initial ADA Action Log provided in **Appendix F**.

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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, the Means ADA Compliance Pricing Guide, and 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 for building and park facilities are in 2021 and all costs for intersections and sidewalk corridors are in 2019 dollars. **Table 7** provides a summary of the estimated costs to bring each facility into compliance.

Table 7. Summary of Facility Costs

Facility Type	Priority			Total*
	High	Medium	Low	
Buildings	\$601,700	\$3,063,600	\$991,650	\$4,656,950
Parks	\$598,800	\$2,393,890	\$57,510	\$3,050,200
Park Paved Trails	\$225,450	\$1,252,060	\$2,030	\$1,479,540
Park Unpaved Trails	\$43,200	\$5,400	\$0	\$48,600
Signalized Intersections	\$1,639,400	\$2,505,000	\$686,200	\$4,830,600
Public Rights-of-Way Sidewalk	\$1,468,800	\$5,699,000	\$4,191,560	\$11,359,360
Public Rights-of-Way Unsignalized Intersection Curb Ramps	\$3,227,700	\$2,408,510	\$12,709,500	\$18,345,700
City Totals	\$7,805,050	\$17,327,460	\$18,638,450	\$43,770,950

*Table values are rounded for simplification

It is important to note that the facility cost estimates in **Table 7** 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 acquisition of right-of-way; 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 8 details the barrier removal costs and proposed implementation schedule by facility type for all City-owned facilities evaluated. Buildings that were evaluated, but are not owned by the City, are excluded from the implementation schedule. This 30-year will serve as the implementation schedule for the Transition Plan. The City of Denton 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 Coordinators work together with department heads and budget staff to determine the funding sources for barrier removal projects. Once funding is identified, the ADA Coordinators will coordinate the placement of the projects in the Capital Improvement Program (CIP) to be addressed on a fiscal year basis.

Table 8. Implementation Schedule

Facility Type	Estimated Cost	Implementation Schedule (years)	Approximate Annual Budget
Buildings	\$4,656,950	30	\$155,230
Parks	\$3,050,200	30	\$101,670
Park Paved Trails	\$1,479,540	30	\$49,320
Park Unpaved Trails	\$48,600	30	\$1,620
Signalized Intersections	\$4,830,600	30	\$161,020
Public Rights-of-Way Sidewalk	\$11,359,360	30	\$378,650
Public Rights-of-Way Unsignalized Intersection Curb Ramps	\$18,345,700	30	\$611,520
City Total	\$43,770,950		
Total Annual Budget			\$1,459,030

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

Table 9 depicts the various types of federal and state funding available for the City to apply for funding for various improvements. The following agencies and funding options are represented in the chart.

- RAISE – Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grants
- INFRA – Infrastructure for Rebuilding America Discretionary Grant Program
- TIFIA – Transportation Infrastructure Finance and Innovation Act (loans)
- FTA – Federal Transit Administration Capital Funds
- CMAQ – Congestion Mitigation and Air Quality Improvement Program
- HSIP – Highway Safety Improvement Program
- NHPP – National Highway Performance Program
- STBG – Surface Transportation Block Grant Program



- TA – Transportation Alternatives Set-Aside (formerly Transportation Alternatives Program)
- RTP – Recreational Trails Program
- SRTS – Safe Routes to School Program / Activities
- PLAN – Statewide Planning and Research (SPR) or Metropolitan Planning funds
- NHTSA 405 – National Priority Safety Programs (Nonmotorized safety)
- FLTTP – Federal Lands and Tribal Transportation Programs (Federal Lands Access Program, Federal Lands Transportation Program, Tribal Transportation Program, Nationally Significant Federal Lands and Tribal Projects)

Most of these programs are competitive type grants; therefore, the City of Denton 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.

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Table 9. Funding Opportunities

ACTIVITY	RAISE	INFRA	TIFIA	FTA	CMAQ	HSIP	NHPP	STBG	TA	RTP	SRTS	PLAN	NHTS	FLTP
Access enhancements to public transportation	X	X	X	X	X		X	X	X					X
ADA/504 Self-Evaluation / Transition Plan								X	X	X		X		X
Bus shelters and benches	X	X	X	X	X		X	X	X					X
Coordinator positions (state or local)					X			X	X		X			
Crosswalks (new or retrofit)	X	X	X	X	X	X	X	X	X	X	X			X
Curb cut and ramps	X	X	X	X	X	X	X	X	X	X	X			X
Paved shoulders for pedestrian use	X	X	X		X	X	X	X	X		X			X
Pedestrian plans				X				X	X		X	X		X
Recreational trails	X	X	X					X	X	X				X
Shared use paths / transportation trails	X	X	X	X	X	X	X	X	X	X	X			X
Sidewalk (new or retrofit)	X	X	X	X	X	X	X	X	X	X	X			X
Signs / signals / signal improvements	X	X	X	X	X	X	X	X	X		X			X
Signed pedestrian routes	X	X	X	X	X		X	X	X		X			X
Spot improvement programs	X	X	X	X		X	X	X	X	X	X			X
Stormwater impacts related to pedestrian projects	X	X	X	X		X	X	X	X	X	X			X
Trail bridges	X	X	X		X	X	X	X	X	X	X			X
Trail / highway intersections	X	X	X		X	X	X	X	X	X	X			X
Trailside and trailhead facilities	X	X	X					X	X	X				X
Training					X	X		X	X	X	X	X	X	
Tunnels / undercrossings for pedestrians	X	X	X	X	X	X	X	X	X	X	X			X

Adapted from FHWA Pedestrian and Bicycle Funding Opportunities, Revised August 9, 2018:
https://www.fhwa.dot.gov/environment/bicycle_pedestrian/funding/funding_opportunities.cfm

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
- Sidewalk or Access Improvement Fee
- 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 Allocation District (TAD) – A defined area where real estate property tax monies gathered above a certain threshold for a certain period of time (typically 25 years) is to be used for a specified improvement. The funds raised from a TAD are placed in a tax-free bond (finance) where the money can continue to grow. These improvements are typically for revitalization and especially to complete redevelopment efforts.
- 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
- Transportation User Fee / Street Maintenance Fee

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 barriers identified in the Transition Plan.

The City will develop a budget to include the next 30 fiscal years. Projects identified in the ADA Transition Plan will be programmed within the 30-year budget based prioritization provided (see **Section 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.

The City also intends to adopt 2011 PROWAG to enable City enforcement of these guidelines throughout the design and construction process of pedestrian facilities in the public rights-of-way.

The City will plan to budget for the review of programs, services, and activities in a future project phase. This phase will also include development of policies and procedures to address accessibility responsibilities associated with lease agreements, closing pedestrian crossings that are unsafe, and employment-related requests and responsibilities that fall under ADA Title I.

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Appendix

Appendix A: Public Outreach

Public Meeting Notes and Agenda

Public Comments Summary

Appendix B: Grievance Procedure

Title II Grievance Procedure

Appendix C: FHWA ADA Transition Plan Process Memo

Appendix D: Facility Maps

Buildings

Parks

Paved Trails

Unpaved Trails

Signalized Intersections

Public Rights-of-Way Sidewalk Corridors

Appendix E: Facility Reports

E1: Buildings

E2: Parks and Trails

E3: Signalized Intersections and Public Rights-of-Way Sidewalk Corridors

Appendix F: ADA Action Log

Appendix G: Programs, Services, and Activities Review