



Quirino, David <david_quirino@ios.doi.gov>

Re: FW: PCR-16-54 Leon Valley Natural Area Park - Title II Compliance

1 message

Quirino, David <david_quirino@ios.doi.gov>

To: Denise Frederick <d.frederick@leonvalleytexas.gov>

Fri, Jul 8, 2016 at 12:47 PM

Ms. Frederick,

The DOI/Office of Civil Rights/Public Civil Rights Division will grant the City of Leon Valley's thirty (30) days extension request. Looking forward in receiving your report by August 30, 2016.

Best regards.

David Quirino
Senior Public Civil Rights Specialist
U.S. Department of the Interior
Office of Civil Rights
1849 C Street, NW
Washington, DC 20240
Phone: (202) 513-0720
FedRelay: (800) 877-8339 (TTY)
Fax: (202) 208-6112
david_quirino@ios.doi.gov
<http://www.doi.gov/pmb/eeof/>

On Fri, Jul 8, 2016 at 12:23 PM, Denise Frederick <d.frederick@leonvalleytexas.gov> wrote:

Mr. Quirino, pursuant to our telephone conversation this morning, the City of Leon Valley hereby requests an extension of thirty (30) days to answer the letter from the Department of the Interior referenced above. The extension would give the City until August 30, 2016 to provide a more comprehensive explanation for why that portion of trail is not accessible, and to also provide a cost analysis and time line to make the trail accessible.

Thanking you in advance for your cooperation and assistance in this matter.

Denise Frederick

City Attorney

City of Leon Valley

6400 El Verde Road

Leon Valley, TX 78238

Office (210) 684-1391 ext. 217



The information in this email may be confidential and/or privileged. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system. The City asks all City Council Members in receipt of this message, please do not reply all or include all the City Council members in an email, this is to protect you from violating the Open Meetings Act. If you get a request for the information included in this e-mail please forward the request to the City Secretary to ensure full compliance with the Public Information Act.



Quirino, David <david_quirino@ios.doi.gov>

FW: PCR-16-54 Leon Valley Natural Area Park - Title II Compliance

1 message

Denise Frederick <d.frederick@leonvalleytexas.gov>
To: "david_quirino@ios.doi.gov" <david_quirino@ios.doi.gov>

Fri, Jul 8, 2016 at 12:23 PM

Mr. Quirino, pursuant to our telephone conversation this morning, the City of Leon Valley hereby requests an extension of thirty (30) days to answer the letter from the Department of the Interior referenced above. The extension would give the City until August 30, 2016 to provide a more comprehensive explanation for why that portion of trail is not accessible, and to also provide a cost analysis and time line to make the trail accessible.

Thanking you in advance for your cooperation and assistance in this matter.

Denise Frederick

City Attorney

City of Leon Valley

6400 El Verde Road

Leon Valley, TX 78238

Office (210) 684-1391 ext. 217



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**United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, D.C. 20240**

JUN 16 2016

IN REPLY REFER TO:
PCR-16-54

Melinda Moritz, Director of Public Works
6400 El Verde Road
Leon Valley, Texas 78238

Dear Ms. Moritz:

As you are aware, we are in receipt of a disability complaint alleging that the Leon Valley Natural Area Park trails are not accessible to persons with disabilities.

We have accepted this complaint for investigation under Title II of the Americans with Disabilities Act (Title II). Title II prohibits discrimination on the basis of disability in programs and activities conducted by State and local governments.

Title II requires that State and local entities provide a reasonable modification of their programs, services, and activities for individuals with disabilities to be able to participate and receive an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others. The program and service that the complainant desires is an equal opportunity to be able to access an accessible trail.

Per your phone conversation with David Quirino of my staff, you indicated that the project of making the trails accessible to people with disabilities has been cancelled. Also, you mentioned that members of the public may use these primitive trails at their own risk.

Please provide this office by July 30, 2016 the reason(s) for terminating this accessibility project at the Leon Valley Natural Area Park. Please show cost and time line in determining your decision. Individuals with disabilities may not be excluded from or denied participation in State and local government programs, services, or activities because a facility is inaccessible or unusable.

Also, explain how the City of Leon Valley will comply with Title II, regarding the issue that Leon Valley Natural Area Park trails are not accessible to individuals with disabilities.

If you have any questions, please contact David Quirino at (202) 513-0720.

Sincerely,

A handwritten signature in cursive script that reads "David Quirino".

 Sloan W. Farrell
Chief, Public Civil Rights Division

cc: Complainant



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, D.C. 20240

IN REPLY REFER TO:

PCR-16-54

JUN 16 2016

Office of Senator John Cornyn
ATTN: Suzanne Schutze
Providence Towers
5001 Spring Valley Road, Suite 1125E
Dallas, Texas 75244

Dear Ms. Schutze:

This letter is in response to constituent, **Not Responsive**'s civil rights complaint, which the Department of Justice forwarded to the Department of Interior. Specifically, **Not Responsive** alleges that the Leon Valley Natural Park Trail in Leon Valley, Texas is not accessible to persons with disabilities.

This complaint has been assigned docket number PCR-16-54. Please refer to this docket number in the future.

We have accepted this complaint for investigation under the authority of Title II of the Americans with Disabilities Act (Title II). Title II prohibits discrimination on the basis of disability in programs and activities conducted by public entities whether or not they receive Federal financial assistance.

If you have any questions, please contact David Quirino at (202) 513-0720.

Sincerely,

for Sloan W. Farrell
Chief, Public Civil Rights Division



U.S. Department of Justice

Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530

MAY 02 2016

John W. Burden, Director
Office of Civil Rights
Office of the Secretary
U.S. Department of the Interior
1849 C Street, N.W., Room 4309
Washington, DC 20240

Re: Correspondence from Senator John Cornyn on behalf of his constituent, [Not Responsive] of Leon Valley, Texas, regarding access to Leon Valley Natural Area Park
Date Received: March 16, 2016
Document #: 3224206

Dear Mr. Burden:

We are referring to your agency correspondence from Senator John Cornyn concerning his constituent, [Not Responsive] of Leon Valley, TX. [Not Responsive] alleges Leon Valley Natural Area Park trails are inaccessible. On October 29, 2015, we forwarded to your office correspondence from Senator Cornyn on behalf of [Not Responsive] regarding this same matter.

Thank you for your assistance in this matter.

Sincerely,

Naomi Milton
Supervisory Attorney
Disability Rights Section

Enclosure

MAY 10 2016
TW

Handwritten initials/signature

JOHN CORNYN
TEXAS

United States Senate
Washington, DC 20510-4305

2016 MAR 15 PM 10:39
EXECUTIVE SECRETARIAT

March 14, 2016

U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Room 1145
Washington, District of Columbia 20530-0001
(202)514-4482
202-514-4482

Re: **Not Responsive** 6 pages to follow

Your office first responded to us in October 2015 stating this was an issue for the U.S. Department of the Interior. DOI states that this matter is not within their jurisdiction as does the U.S. Department of Transportation. DOT has now sent this case back to DOJ.

My constituent has sent the enclosed communication. A response which addresses his/her concerns would be appreciated.

Due to Senate mail security protocol, mailed responses to my office are significantly delayed. In order to best assist my constituents, please fax or email a written response to my Dallas office.

Office of Senator John Cornyn
ATTN: Suzanne Schutze
(972) 392-0568
(972) 239-2110 (Fax)
E-mail: Suzanne_Schutze@cornyn.senate.gov

Providence Towers
5001 Spring Valley Road, Suite 1125E
Dallas, Texas 75244

Enclosure

①

From: **Not Responsive** [mailto:**Not Responsive**]
Sent: Thursday, January 28, 2016 12:06 PM
To: Office, Dallas (Cornyn) <Dallas_Office@cornyn.senate.gov>
Subject: Your Correspondence January 12, 2016 reference my complaint regarding a LV Natural Area Trail

Dear Senator Cornyn,

Thank you for your continuing efforts to expedite the complaint I originally filed with USDOJ in February 2015.

At attachment is a letter received from USDOT referencing HCR-20 and DOT#2016-0050 indicating the complaint has been referred back to DOJ.

I have been unable to contact anyone at the USDOJ Civil Rights Division at the number provided 202-307-0663.

After reading the attached correspondence, and speaking with City of Leon Valley Public Works Director Ms. Melinda Moritz, It has become evident that no one in each of the Federal Agencies through which my complaint has been routed has contacted me directly for details, nor have they offered to meet with me and other interested citizens to listen to specific details and to actually visit, and visit, the trail site. Instead they have apparently contacted the City of Leon Valley directly and have been provided misinformation.

The referenced LC-17 Project is a flood control project extending along Huebner Creek from the southern City boundary to the Bandera Rd. bridge and does not extend into the Leon Valley Natural Area Park boundary, and has absolutely no connection with the trail in question.

The referenced Hike & Bike Trail project was designed to connect a planned regional park at the southern COLV city limit, along Huebner Creek, through the LV Natural Area Park, and eventually connecting with Rimkus Park. The planned Hike & Bike Trail did not intersect the referenced trail. Our Mayor did not wish for this trail to travel through the Natural Area Park, misinforming citizens that 450 trees would be destroyed, and the trail would be 30 ft. wide, none of which is accurate. In fact, the Mayor had attempted to completely circumvent the Natural Area Park with this proposed trail by proposing an alternate route that would have crossed Bandera Rd. at grade. The approved trail route at funding was through the Natural Area Park and met ADA requirements. The portion of the trail grant routing through the Natural Area Park was canceled at the request of the current COLV council. The Mayor has suggested (LV Lion's Roar August-September 2015) that an alternate route be chosen for the proposed Hike-Bike Trail, outside the Natural Area Park, and that the City of Leon Valley do the actual construction "eliminating the restrictions of federal grant requirements. That would allow using existing sidewalks to be used as part of the trail".

Again, The existing LV Natural Area Trail does not meet Federal accessibility requirements (attachment). It is not related to, or associated with the proposed Hike & Bike Trail. I would very much appreciate someone meeting with me, and several other citizens, and actually touring the trail with this group of citizens. The group includes an attorney, several COLV ex council members, previous, and long time, members of the COLV Park Commission, as well as others familiar with the issue.

Thanks you very much for your assistance.

Sincerely,

Not Responsive

202-76-0
DEPARTMENT OF JUSTICE R
MAR 29 2016 E
R.A.Q. C
CIVIL RIGHTS DIVISION D



U.S. Department of Justice
Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530

DJ# 204-76-0

Notice of Referral of Complaint for Appropriate Action

To: Mr. John W. Burden, Director
Office of Civil Rights
Office of the Secretary
U.S. Department of the Interior
1849 C Street, N.W., Room 4309
Washington, D.C. 20240

FEB 12 2016

Not Responsive

From: Disability Rights Section, Civil Rights Division, U.S. Department of Justice

Reference:

CTS# 536324, 526463; regarding Leon Valley Natural Area Park, Leon Valley, TX; received by DOJ on January 13, 2016

The Disability Rights Section has reviewed the enclosed complaint and determined that it raises issues that are more appropriately addressed by the U.S. Department of Interior under title II of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act. We, therefore, are referring this complaint to that agency for appropriate action. This letter serves to notify that agency and the complainant of this referral. The Disability Rights Section will take no further action on this matter.

To check the status of the complaint, or to submit additional information, the complainant may contact the referral agency at the address above or at the following telephone number(s):

202-208-5693 (Voice)
202-501-8572 (TTY)

If the agency has any questions or concerns about this referral or believes that it raises issues outside the agency's jurisdiction, please do not hesitate to contact the Department of Justice at the address and phone number attached hereto.

Rec'd By
FEB 22 2016
FEB 22 2016

5



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.
Washington, DC 20590

JAN 13 2016

FEB 08 2016

In Reply Refer To: HCR-20
DOT# 2016-0050

The Honorable John Cornyn
United States Senate
Attn: Ms. Suzanne Schutze
Providence Towers
5001 Spring Valley Road, Suite 1125E
Dallas, TX 75244

Dear Ms. Schutze:

This letter acknowledges receipt of the complaint filed on behalf of Senator Cornyn's constituent, **Not Responsive** against the Leon Valley Natural Park Trail in the City of Leon Valley, Texas. The complaint was forwarded to this office by the U.S. Department of Transportation, Office of the Secretary, Departmental Office of Civil Rights (DOCR), on December 14, 2015. The DOCR received the complaint from the U.S. Department of the Interior (DOI), Office of the Secretary, on December 7, 2015.

In the complaint, **Not Responsive** alleged that the Leon Valley Natural Park Trail in the City of Leon Valley, Texas is not accessible to persons with disabilities. **Not Responsive** stated that the Leon Valley Natural Park Trail fails to meet even minimal Federal accessibility requirements.

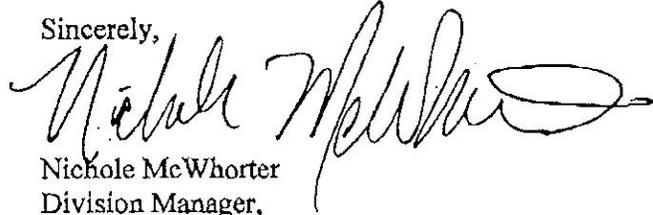
After the DOI's review of the complaint, it was disclosed that the Hike and Bike LC-17 Project would address accessibility issues of the Leon Valley Natural Park Trail, and the FHWA through the Texas Department of Transportation will be funding 80% of the \$900,000 total cost for the project and 20% being funded by the City of Leon Valley.

After a thorough review of the complaint, and further research conducted by the FHWA's Texas Division Office, it was also disclosed the Hike and Bike LC-17 Project has been cancelled. Since there is no transportation project involved in the facility or Federal Highway funding, the FHWA has determined that the Leon Valley Natural Park Trail is not within the jurisdiction of the FHWA. For this reason, we have referred the complaint to the U. S. Department of Justice for further processing. **Not Responsive** has been advised of this referral (copy enclosed).



If this office can be of assistance to you in any matter within the FHWA's enforcement responsibility, please contact us at the address noted above.

Sincerely,



Nichole McWhorter
Division Manager,
Program Coordination and Compliance Division

Enclosure

cc: Al Alonzi, Division Administrator, FHWA's Texas Division Office
Mark Arrington, Civil Rights Specialist, FHWA's Texas Division Office
Yvette Rivera, Associate Director, Employment Opportunity Programs Division
Sloan W. Farrell, Chief, Public Civil Rights Division, DOJ
Ms. Allison Nichol, Chief, Disability Rights Section, DOJ

4



United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 West Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287



IN REPLY REFER TO:
NPS0020086

JAN 19 2016

The Honorable John Cornyn
5001 Spring Valley Road, Suite 1125E
Dallas, TX 75244

Dear Senator Cornyn:

Thank you for your letter on November 23, 2015, to the Department of Interior's Office of Congressional and Legislative Affairs regarding accessibility within the Leon Valley Natural Area Park. Your letter was routed to me for a response.

The Leon Valley Natural Area referenced in the letter by your constituent Albert Uvietta is not managed by the National Park Service. The area is managed by the City of Leon Valley in Texas. I apologize that I cannot assist more in this matter and am available if you would like information regarding National Park Service units.

Sincerely,

Sue E. Masica
Regional Director



U.S. Department
of Transportation
**Federal Highway
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

JAN 13 2016

In Reply Refer To: HCR-20
DOT# 2016-0050

Not Responsive

Dear **Not Responsive**

The Federal Highway Administration's (FHWA), Office of Civil Rights is in receipt of your complaint of discrimination alleging a violation of the Americans with Disabilities Act of 1990 (ADA) and/or Section 504 of the Rehabilitation Act of 1973 (Section 504).

The complaint was forwarded to this office by the U.S. Department of Transportation, Office of the Secretary, Departmental Office of Civil Rights (DOCR), on December 14, 2015. The DOCR received the complaint from the U.S. Department of the Interior (DOI), Office of the Secretary, on December 7, 2015.

In the complaint, you alleged that the Leon Valley Natural Park Trail in the City of Leon Valley, Texas is not accessible to persons with disabilities. You stated that the Leon Valley Natural Park Trail fails to meet even minimal Federal accessibility requirements.

After the DOI's review of the complaint, it was disclosed that the Hike and Bike LC-17 Project would address accessibility issues of the Leon Valley Natural Park Trail, and the FHWA through the Texas Department of Transportation will be funding 80% of the \$900,000 total cost for the project and 20% being funded by the City of Leon Valley.

After a thorough review of your complaint, and further research conducted by the FHWA's Texas Division Office, it was also disclosed the Hike and Bike LC-17 Project has been cancelled. Since there is no transportation project involved in the facility or Federal Highway funding, the FHWA has determined that the Leon Valley Natural Park Trail is not within the jurisdiction of the FHWA. Therefore, we are forwarding the complaint to the U.S. Department of Justice (DOJ) for further processing. You may contact DOJ at:

U.S. Department of Justice
Civil Rights Division
Disability Rights Section
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Please be advised that the FHWA's Office of Civil Rights has responsibility to investigate individual complaints of discrimination involving violations of the ADA, Section 504, and Title VI of the Civil Rights Act of 1964. These statutes prohibit discrimination based on disability, race, color, national origin, sex and age under any program or activity receiving Federal financial assistance.

If this office can be of assistance to you in any matter within the FHWA's enforcement responsibility, please contact us at the address noted above.

Sincerely,



Nichole McWhorter
Division Manager,
Program Coordination and Compliance Division

- cc: Al Alonzi, Division Administrator, FHWA's Texas Division Office
- Mark Arrington, Civil Rights Specialist, FHWA's Texas Division Office
- Yvette Rivera, Director, Equal Employment Opportunity Programs Division
- Sloan W. Farrell, Chief, Public Civil Rights Division, DOJ
- Ms. Allison Nichol, Chief, Disability Rights Section, DOJ



U.S. Department
of Transportation

Federal Highway
Administration

1200 New Jersey Ave., S.E.
Washington, DC 20590

JAN 13 2016

In Reply Refer To: HCR-20
DOT# 2016-0050

Ms. Allison Nichol
Chief, Disability Rights Section
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Ms. Nichol:

The enclosed complaint filed by Senator John Cornyn's office on behalf of his constituent, **Not Responsive** is being forwarded to your office for appropriate action. The complaint was forwarded to this office by the U.S. Department of Transportation, Office of the Secretary, Departmental Office of Civil Rights (DOCR), on December 14, 2015. The DOCR received the complaint from the U.S. Department of the Interior (DOI), Office of the Secretary, on December 7, 2015.

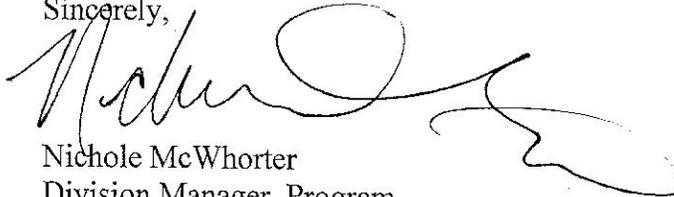
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After a thorough review of the complaint, and further research conducted by the FHWA's Texas Division Office, it was also disclosed the Hike and Bike LC-17 Project has been cancelled. Since there is no transportation project involved in the facility or Federal Highway funding, the FHWA has determined that the Leon Valley Natural Park Trail is not within the jurisdiction of the FHWA. For this reason, we are referring the complaint to your office for further processing. **Not Responsive** has been advised of this referral (copy enclosed). A copy of our letter to Senator John Cornyn's office is also enclosed.

If you have any questions, please contact us at (202) 366-0693.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nichole McWhorter', with a large, stylized loop at the end.

Nichole McWhorter
Division Manager, Program
Coordination and Compliance Division

3 Enclosures

cc: Al Alonzi, Division Administrator, FHWA's Texas Division Office
Mark Arrington, Civil Rights Specialist, FHWA's Texas Division Office
Yvette Rivera, Director, Equal Employment Opportunity Programs Division
Sloan W. Farrell, Chief Public Civil Rights Division, DOI



U.S. Department of
Transportation
Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Suite W78-340
Washington, DC 20590

December 14, 2015

Not Responsive

Dear **Not Responsive**,

The U.S. Department of Transportation received your correspondence on December 14, 2015, from the U.S. Department of Interior, regarding the lack of accessibility for persons with disability at the Leon Valley Natural Trail in Leon Valley, Texas. We have forwarded it to the Federal Highway Administration, Office of Civil Rights, for review and appropriate action.

All further correspondence should reference DOT # 2016-0050 and be addressed to:

Nicole McWhorter, Division Manager
Program Coordination and Compliance Division
Office of Civil Rights (HCR-1)
Federal Highway Administration
1200 New Jersey Avenue, SE, Room E81-330
Washington, DC 20590

Thank you for bringing this matter to our attention.

Sincerely,

Yvette Rivera, Associate Director
Equal Employment Opportunity Programs Division
Departmental Office of Civil Rights

cc: Nicole McWhorter



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, D.C. 20240

DEC 07 2015

In REPLY REFER TO:
PCR-16-2

Irene Rico, Acting Associate Administrator
Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D. C. 20590

Dear Ms. Rico:

The attached civil rights complaint is from **Not Responsive**. In his correspondence, he alleges that the Leon Valley Natural Park Trail in Leon Valley, Texas is not accessible to people with disabilities. After further review, we understand that the Hike and Bike LC-17 Project will address accessibility issues of the Leon Valley Natural Park Trail. The Federal Highway Administration (FHWA) through the Texas Department of Transportation (TXDOT) will be funding 80% of the \$900,000 total cost for the project and 20% being funded by the City of Leon Valley. This matter does not appear to be within the jurisdiction of our office.

However, the issues raised may fall within the jurisdiction of your agency. Therefore, we are referring this complaint to you for appropriate disposition. The complainant has been notified of the referral. We are now closing this matter within our records.

Thank you for your assistance in this matter.

Sincerely,

Sloan W. Farrell
Chief, Public Civil Rights Division

cc: Naomi Milton, Supervisory Attorney, Disability Rights Section
Senator John Cornyn



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, D.C. 20240

DEC 07 2015

**IN REPLY REFER TO:
PCR-16-2**

Office of Senator John Cornyn
ATTN: Suzanne Schutze
Providence Towers
5001 Spring Valley Road, Suite 1125E
Dallas, Texas 75244

Dear Ms. Schutze:

This letter is in response to constituent, **Not Responsive**'s civil rights complaint, received by the Department of the Interior (DOI) on November 9, 2015. **Not Responsive** alleged that the Leon Valley Natural Park Trail in Leon Valley, Texas is not accessible to people with disabilities.

We have reviewed this allegation and have determined that the DOI does not have jurisdiction in this matter. We have referred **Not Responsive**'s complaint to the U. S. Department of Transportation for assistance at the address below.

Irene Rico, Acting Associate Administrator
Office of Civil Rights
U. S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D. C. 20590

Sincerely,

Sloan W. Farrell
Chief, Public Civil Rights

cc: Naomi Milton, Supervisory Attorney, Disability Rights Section

2



U.S. Department of Justice

Civil Rights Division

NOV 23 2015

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable John Cornyn
United States Senate
Providence Towers
5001 Spring Valley Road
Suite 1125E
Dallas, Texas 75244

OCT 29 2015

Dear Senator Cornyn:

This responds to your letter dated October 1, 2015, regarding your constituent, **Not Responsive** **Not Responsive** of Leon Valley, Texas. **Not Responsive** alleges that the Leon Valley Natural Area Park trails are inaccessible to people with disabilities. **Not Responsive** recently submitted this same complaint directly to the U.S. Department of Justice (the Department). This letter will serve as our response to **Not Responsive** regarding that complaint.

The Department has carefully reviewed the information you provided regarding **Not Responsive**'s concerns, along with the correspondence **Not Responsive** sent directly to the Department, and we have determined that this matter may fall within the jurisdiction of the U.S. Department of the Interior (DOI). We are, therefore, referring your correspondence to DOI for further review and disposition, as appropriate. If you or your constituent has any questions, you may contact DOI at the following address:

John W. Burden, Director
Office of Civil Rights
Office of the Secretary
U.S. Department of the Interior
1849 C Street, N.W., Room 4309
Washington, D.C. 20240

The Honorable John Cornyn
Page Two

We hope this information is helpful. Please do not hesitate to contact the Department if we may be of assistance with this or any other matter.

Sincerely,

Vanita Gupta/EA

Vanita Gupta
Principal Deputy Assistant Attorney General



U.S. Department of Justice
Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530

OCT 29 2015

John W. Burden, Director
Office of Civil Rights
Office of the Secretary
U.S. Department of the Interior
1849 C Street, N.W., Room 4309
Washington, D.C. 20240

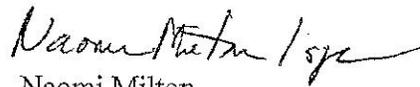
Re: Correspondence from Senator John Cornyn on behalf of his constituent,
Not Responsive of Leon Valley, Texas, regarding access to Leon Valley
Natural Area Park
Date Received: October 2, 2015
Document #: 3118103

Dear Mr. Burden:

We are referring to your agency correspondence from Senator John Cornyn concerning his constituent, **Not Responsive** of Leon Valley, TX. **Not Responsive** alleges that Leon Valley Natural Area Park trails are inaccessible.

Thank you for your assistance in this matter.

Sincerely,


Naomi Milton
Supervisory Attorney
Disability Rights Section

Enclosure

NOV 9 2015
TW

JOHN CORNYN
TEXAS

United States Senate
Washington, DC 20510-4305

2015 OCT -2 AM 11:03

October 1, 2015

U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Room 1145
Washington, District of Columbia 20530-0001
(202)514-4482
202-514-4482

Re: **Not Responsive** 7 pages to follow

My constituent has sent the enclosed communication. A response which addresses his/her concerns would be appreciated.

Due to Senate mail security protocol, mailed responses to my office are significantly delayed. In order to best assist my constituents, please fax or email a written response to my Dallas office.

Office of Senator John Cornyn
ATTN: Suzanne Schutze
(972) 392-0568
(972) 239-2110 (Fax)
E-mail: Suzanne_Schutze@cornyn.senate.gov

Providence Towers
5001 Spring Valley Road, Suite 1125E
Dallas, Texas 75244

Enclosure



U.S. Senator John Cornyn

Attention: Casework Dept.
517 Senate Hart Office Building
Washington, DC 20510-4305
(972) 239-1310 (Telephone)
(972) 239-2110 (Fax)

SEP 24 2015

RECEIVED SEP 23 9 2015

GENERAL PRIVACY RELEASE FORM

I hereby authorize Senator John Cornyn to request on my behalf, pertinent to the Freedom of Information and Privacy Act of 1974, Title 5, Section 552A of the U.S. Code, access to information concerning me in the files of the following agencies:

United States Department of Justice, Civil Rights Division

(Agency with which you are having difficulties)

Additionally, Senator Cornyn is authorized to see any materials that may be disclosed pertinent to that request.

*****PLEASE BRIEFLY DESCRIBE YOUR DIFFICULTY ON A SEPARATE PAGE*****

Name: (Mr./Mrs./Ms.)

Not Responsive

(Please Print Clearly)

Address:

Not Responsive

(City, State, Zip)

Telephone number

Not Responsive

Alternate:

Not Responsive

E-Mail address:

Not Responsive

Social Security Number:

Not Responsive

Date of Birth:

Not Responsive

Please fill in appropriate case information (when applicable):

Medicare Number: _____

Medicare Provider PTAN, NPI, Tax ID: _____

Bank and Loan #: _____

VA Claim #: _____

U.S. Department of Labor: _____

CSA/CSF #: _____

(OPM retirees only)

FEMA Reg. #: _____

Disaster #: _____

SIGNATURE: _____

Not Responsive

DATE: _____

9-8-2015

4 September, 2015

U. S. Senator John Cornyn

517 Senate Hart Office Building

Washington, DC 20510-4305

Dear Senator Cornyn,

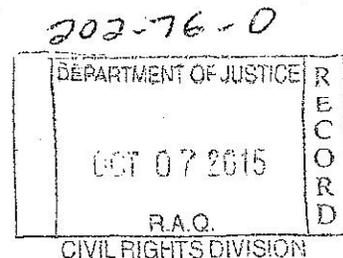
I respectfully request your assistance in expediting an investigation/action by the U.S. Dept. of Justice, Civil Rights Division relative to the complaint I filed sometime back. I received a confirmation and reference number 15-9p2s9-7u73. I later contacted DOJ as a follow up, and was informed they were burdened with large numbers of complaints and it would be some time before they would contact me.

My concern is that the issue I have described in attached correspondence has been unresolved for several years, and that too long a delay in remediating the problem will result in additional, irreparable harm.

Your assistance in expediting a review by DOJ would be greatly appreciated. There are a group of concerned citizens, of which I am a member, who have considerable documentation to support our expressed concern and facts.

Respectfully submitted

Not Responsive



The City of Leon Valley, Texas has title to a Leon Valley Natural Area Park. This park has a perimeter trail with access points providing connectivity with an adjacent Leon Valley Raymond Rimkus Park, Evening Sun, and Red Jacket Drive. For a number of years, the Natural Area Park has been leased to the Leon Valley Historical Society. ~~It should be noted that the LV Historical Society leadership, and membership~~ includes current Leon Valley Mayor Chris Riley, her husband Darby Riley (past President, current Board of Directors, past City of Leon Valley Councilman), and several current and ex Leon Valley Mayors and City Council members creating a serious conflict of interest issue. The LV Historical Society has consistently attempted to exercise complete control over the LV Natural Area Park based on it's own usage criteria.

Current Mayor Riley, and members of the Leon Valley Historical Society view the existing trail as primitive and not required to meet Federal accessibility guideline requirements. LV Historical Society President has indicated to me, members of the Leon Valley Parks Commission, and several previous LV City Council members, that physically challenged visitors wishing to walk can visit other parks. There have been efforts to discourage visitors from entering the LV Natural Area Park including 7 signs I removed on a Easter Weekend that had a large photo of a tick with "tick warning" verblage, tree limbs arranged to create walking obstacles, and many calls to San Antonio Water System and Public Service employees/contractors working in the park along easements. I have retained copies of the tick warnings that should have fingerprints of the poster, and records of many repeated calls to authorized workers. Often threatening legal action.

Included are photographs of the existing LV Natural Area Park trail which clearly demonstrates that the trail fails to meet even minimal Federal accessibility requirements, and does not meet the requirements for the single exception listed in Federal law for a four wheel drive road accepting pedestrians.

As a **Not Responsive** I have many times, over several years, complained of the lack of accessibility compliance. Mayor Riley, and the LV Historical Society leadership have consistently refused to consider improvements that would meet Federal accessibility requirements. Specifically, I have asked that the trail be widened, smoothed, and an elevated pedestrian bridge be built to span a drainage channel at the NE park corner, and a culvert at the juncture of the trail at the point where the drainage channel junctures with Huebner Creek. The Mayor consistently resisted any attempt for me to apply to Texas Parks & Wildlife for Trail Grants to improve this trail. I did however, add connectivity from Rimkus Park and Evening Sun into the Natural Area Park using Texas Parks & Wildlife Grant monies (Federal funds). These extensions move a short distance into the LV Natural Area Park. The issue is simple, provide better accessibility for family groups, children, elderly and physically challenged visitors.

In a more recent development, a trail grant was approved by the Alamo Area Metropolitan Planning Organization to provide funding for trail connectivity between a proposed regional park at the southern boundary of Leon Valley with the City of San Antonio and the LV Raymond Rimkus Park. The grant provided for a trail along Huebner Creek, under the Bandera Road bridge, along the perimeter of the LV Natural Area Park to Raymond Rimkus Park. Mayor Riley, and the LV Historical Society leadership attempted in a variety of ways to avoid the routing through the Natural Area Park, attempted to divert

the grant funds to road construction, and failing that succeeded in requesting MPO to postpone the grant funding until 2017, and seeking an alternate route. The project was under the control of Texas Department of Transportation, and considerable expense had been incurred in the initial engineering design. The principle objection voiced by Mayor Riley, and others, related to ADA design requirements.

The project was described by this opposing group as destroying 4500 trees, 30 foot trail width, impacting 40% of the Natural Area Park, bicycle traffic, and negatively affecting wildlife. The TXDOT Project Manager, Ms Lysette Colbert, indicated to me that she had looked at the existing trail and that it did not meet even minimal Federal accessibility requirements, but had no authority to intervene.

Many citizens are unable to access, and travel the existing trail because of the obvious shortcomings. Complaints were made to TXDOT, Alamo Area MPO, and the local FHWA. I also discussed the issue with representatives of the Texas Parks & Wildlife Dept. I was ultimately directed to DOJ as the appropriate complaint venue. The issues relating to the MPO Trail Grant are currently being reviewed and documented. It is described here to illustrate the resolve of the current Leon Valley administration, and that of the Leon Valley Historical Society leadership to avoid compliance with trail accessibility requirements. The MPO Trail Grant issue will be addressed at a later date. Again, the current complaint deals specifically with the existing LV Natural Area Park trail. At attachment are copies of several relevant documents and photographs of the existing trail.



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Americans with Disabilities Act Discrimination Complaint Form

Please confirm that this information is correct before submitting. Misspellings and other errors may delay the processing of your complaint.

Person filling out this form

Last Name *: Not Responsive
 First Name *:
 Middle:
 Suffix:
 Address *: Not Responsive
 City *:
 State *:
 ZIP *:
 Telephone *:
 Email *:

Person(s) Discriminated Against

Discriminatory incident

Name *: City of Leon Valley
 Address: 6400 El Verde Rd.
 City *: San Antonio
 State *: TX
 ZIP: 78238
 Telephone Number: 210-684-1391
 Date: 2014-2015

Primary type of disability

mob

Issue

acc
 The City of Leon Valley, Texas ("City") owns a public park that is called the LV Natural Area Park. The park has a perimeter trail with access points providing connectivity with an adjacent city park, Evening Sun Street and Red Jacket Drive. The Natural Area Park is leased to the Leon Valley Historical Society, a private nonprofit organization ("Society"). As of the date of this complaint, the original ten-year term of the lease has expired. Notwithstanding the lease, the City is responsible for the park and the Society does not have legal authority to prevent the City from exercising its authority as the owner of the park. City elected officials and the Society have attempted to identify the existing trails as primitive and therefore, not subject to Federal accessibility requirements. Likewise, City elected officials and various Society members have indicated that physically challenged visitors wishing to walk can simply visit other parks. The City obtained a grant and engaged an engineer to design and build a hike and bike trail that would comply with Federal law. Recently, a new political majority voted to stop the project, objecting to the ADA requirements, leaving the trail inaccessible to physically handicapped visitors and in violation of federal law. Although the project is under the control of the Texas Department of Transportation, they are unable to intervene for ADA-related reasons. Photographs of the existing trails and a copy of the City-Society lease are available.

Describe the acts of discrimination

Have efforts been made to resolve this complaint through the internal grievance procedure of yes the government,

organization, institution or business? *;

Has the complaint been filed with another bureau of the Department of Justice or any other no Federal, State, or local civil rights agency or court? *;

Agency or Court:

Make A Correction

By submitting this form, I certify that the information I have provided, to the best of my knowledge and belief, is true, accurate, and complete.

This is correct

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OMB No. 1190-0009. Expiration Date: May 31, 2015

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Americans with Disabilities Act Discrimination Complaint Form

Thank you for your complaint. Please retain and refer to the following reference number for any correspondence concerning this complaint:

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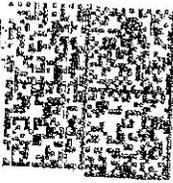
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U.S. Department of Justice

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Mr. John W. Burden, Director
Office of Civil Rights
Office of the Secretary
U.S. Department of the Interior
1849 C Street, N.W., Room 4309
Washington, D.C. 20240

