	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOW/ N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
1	Do policies, practices and procedures provide an equal opportunity for people with disabilities to participate in services, programs and activities; that is, do policies not discriminate against people on the basis of disability? Please provide policy numbers and copies of these policies, practices, and procedures to identify if any policy modifications need to be implemented.	§35.130 (a) (a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.	Clerk of Board/Support Services	Marleana Roman	Yes	Our agendas state the meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting request should be made to through COB at least 3 business days prior to the Board meeting. Includes contact info. Meeting Procedures and Rules of Conduct is available on our website and with every Brown Act agenda. Procedure 10411 is in place identifying processes for services that may be needed including accessibility and translation. However, not sure who I would contact to actually obtain services.	No grievance procedure and form is available. While the public can request accommodations, there is no business process in place to fulfill different types of accommodations. Contract Services templates – Staff rely on contract language for each contract to ensure compliance with ADA. The non-federal templates have clauses for ADA, title VI and equal opportunity but there is no clause for section 504 of the Rehabilitation Act which is okay since 504 only applies to those receiving federal funds. There is no procedure to guide staff to add ADA clauses to agreements that are not utilizing SBCTA contract templates. Policies related to visiting the facility or speaking at public meetings do not necessarily address people with disabilities. Claims form is not set up to be used by the visually impaired. Emergency procedure could be expanded to clearly address the public.	SBCTA should: Put in place contracts with vendors that can assist when there is a need for accommodations. Create a new Board/Policy Committee Procedure identifying who to contact to secure the services or devices, as well as how the Boardroom is to be set up to comply with ADA requirements. Prepare procedures to address how staff must assess the need to include ADA contract clauses in agreements utilizing non-SBCTA contract templates and include the clauses when applicable. Specifically including compliance to the ADA set forth under 28 CFR 35. Review all electronic forms and SBCTA websites and online project pages to ensure they are accessible to people with disabilities. Update Emergency procedure, Policy 10052 and 10410. When conducting virtual public meetings, turn the closed captioning on. Update Procedure 11000 to require closed captioning be turned on during pre-bid conferences. Communications – letters, events – please see
			Finance	Lisa Lazzar	Unknown	Finance does not necessarily provide services to the public. Our products are in the form of reports and payments. Reports are provided electronically or in paper format upon request (sometimes restricted to management only). Payments are either processed via ACH or a physical check mailed or held for pick up.		
			Fund Administration	Andrea Zureick	Yes?	Fund Administration does not typically deal directly with the public but works with local jurisdiction staff to develop funding plans and funding agreements. We do this through email communication, teleconference, zoom, and occasional meetings at public facilities that are assumed to be accessible. We produce documents that are included in Board agendas or on the SBCTA website that may need to be remediated for full accessibility to the public.		
			General Counsel	Julianna Tillquist	Yes, but could be expanded	Our Title VI Program provides that the appointed membership of PASTACC must include one representative of a potential transit user who is disabled and two representatives of social services providers for the disabled, as well as opening non-voting membership to “organizations serving individuals with disabilities.” Goal 3 of our Title VI Public Participation Plan is to engage with and increase opportunities for the underrepresented and under-served, including those with disabilities. Suggest we add language to meeting policies regarding accessibility to the disabled; Policy 10052, IV. Request to Speak: this could potentially exclude the disabled. Also, Procedure 10410 – Visitors—we might want to add something here regarding disabled accessibility.		

			Legislative and Public Affairs	Tim Watkins	Yes with certain exceptions	Our practices in the area of project outreach focuses on accessibility whether in physical venues or on virtual platforms. Physical locations are reviewed for ADA accessibility needs such as ramps, door widths, restroom facilities, etc. Announcements for virtual platforms are directed to include ways to request needs for special accommodations. (Exception: web and social media content – we should add language to our web-based communication tools to illustrate opportunities for special accommodations.)		communication questionnaire.
			Management Services – Human Resources	Colleen Franco	Yes	Website for applying indicates we are an equal opportunity employer. We include it in ads. NEOGOV website as ADA features. Would provide any ADA accommodations as available to applicants and candidates interviewing or being hired. Policy – 10100, EEO Policy – 10101, Discrimination, Harassment and Retaliation Prevention		
			Management Services – Facilities	Jennifer Joo/Colleen Franco	Yes	ADA features enabled throughout facility. ADA door openers at entrances to lobby and SBCTA office. Wheel chair ramps, ADA parking, security desk ADA compliant, restrooms, audible and light alarms. Procedure 10104 includes language for evacuating ADA visitors and employees. Some known non-compliance features of the bldg. but previous reviews lean to them being exempted due to age and historical nature of the facility. This includes the ticket counter height and the original restrooms in stalls in lobby.		
			Management Services – Information Technology	Matt Farokhmanesh	NA	My department does not interface with the public.		

			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes	Freeway Service Patrol Program (FSP) program section 4.8 of FSP Standard Operating Procedures (SOP) addresses "Assisting Physically Disabled Motorists" CHP also instructs the drivers to contact the CHP Officer for approval and instruction before providing further Assistance to a physically disabled motorist. Also ADA Language is referenced in the FSP Tow Operator Contracts. Call Box: On the SBCTA Website for Call box there is reference to TTY, also within the CHP/Caltrans Call Box And Motorist Aid Guidelines there is instruction and reference to TTY, within the contract with AAMCOM there are specific TTY instructions as well. 511 On the GO511.com website in the FAQ the following information is available in their FAQ https://go511.com/Home/FAQ How accessible is 511 for someone who has a vision, speech or hearing impairment? Go511.com is designed to meet the accessibility policies of the Americans with Disabilities Act (ADA). When calling 511, hearing-impaired users can call the California Relay Service at 711 and ask to be connected to Southern California's 511 service through 877.22.Go511 (877.224.6511). Speech-impaired users can Press *8 (*T) to switch from Voice to the Touch Tone commands. When in Touch Tone mode, users can navigate 511 using the touch keypad only.		
			Planning and Regional Programs – Council of Governments	Monique Arellano	No	SBCOG is governed by the policies and procedures of SBCTA, and the practices implemented when working with pubic are in line with anti-discrimination laws as required by the agency.		
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	Yes/No	Planning and GIS do not typically deal directly with the public. We primarily work with other departments at SBCTA and member jurisdictions. Like Fund Admin, we do this through email communication, teleconference, zoom, and occasional meetings at public facilities that are assumed to be accessible (though our own Depot could use automated door access through the main lobby). Per Julianna's comment to Monique, even if it is in the policy somewhere, it has not been the Planning/GIS department's practice to enforce ADA compliance on our vendors/consultants/contractors even though they do occasionally work with the public on our behalf. This seems like something that would best be communicated universally through our procurement process. However, as a PM, we should have a clear understanding of our role in enforcement, should that be required.		

			Project Delivery - Construction	Kristi Harris	Yes	Construction contracts require compliance with Equal Employment Opportunity provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630. Under the same sections, contractors are required to provide reasonable accommodation for applicants and employees with disabilities. The only exception to this is when doing so would cause undo hardship to the employer. For example, several of the craft positions have physical requirements like lifting, climbing ladders, etc. The Notice to Bidders (NTB) include federal requirements for Titles I and II of the ADA.		
			Project Delivery - Design	Juan Lizarde	Yes	Design and Construction contracts are required to comply with ADA 28 CFR, Part 35 or Part 36. Caltrans Certificate of Compliance Form TR-040.		
			Procurement	Alicia Bullock	Yes/No	No - Policy 11000 does not reference the Americans with Disabilities Act. I recommend adding the following: Americans with disabilities: All contracts shall contain a standard disability (nondiscrimination) clause. Yes - 1. Contract Template: The federal solicitation and contract templates have references/clauses to compliance with American with Disabilities Act (Title II and Title III, the 504 of the Rehab Act of 1973 requirements, equal opportunity, title VI and non-discrimination. The non-federal templates have clauses for ADA, title VI and equal opportunity but I didn't see section 504 of the Rehabilitation Act. 2. Pre-Bid Conference/Job Walks:/Interviews: The Agency is ADA compliant and has handicap accessible exits, and an elevator. Additionally, we now hold pre-bid conferences via Teams, and the closed captioning shall be activated during virtual public meetings.		
			Strategic - Risk Management	Steven Keller	No	Our claim form on the website is not accessible to the visually impaired Policy 17000 should comment on how the visually impaired can file a claim. Procedure 10104 Emergency Action Plan should be modified to include how we will include the public and how we will accommodate the public who may have a disability – visual, mobility and hearing impaired.		
			Express Lanes	Philip Chu	Yes	The Toll Lanes use an electronic toll transponder eliminating cash and the need for the customer to interact with a toll collector. Customer service is obtained via telephone that allows for a TTY connection and the walk-in centers meet ADA requirements.		

			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Yes	Capital projects contracts include clause with respect to ADA: Disabilities: In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 USC § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 CFR Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.		
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes	The majority of our projects are operational however the operators are required to meet all ADA requirements. As mentioned by Legal counsel, we have PASTACC, which is led by the Multimodal Mobility group, includes one representative of a potential transit user who is disabled and two representatives of social services providers for the disabled, as well as opening non-voting membership to "organizations serving individuals with disabilities." Additionally, SBCTA no longer needs to conduct unmet needs hearing, however it's still required to hold at least one hearing. I've included the clipping from TDA. Our rideshare program does not organize rides for the public and meetings hosted are only available to employer participants of the program. Reasonable accommodations if requested by employer participants for meetings would be made. Informational services are available to the public online and if requested, in paper format. In addition, incentive and reward programs are available in both electronic and paper format. Our vanpool program complies with Federal Transit Administration rules. Accommodations for ADA modifications to vanpool vehicles are the responsibility of the vanpool providers and included in their contracts/scope of work. Additionally SBCTA no longer needs to conduct unmet needs hearing, however it's still required to hold at least one hearing. I've included the clipping from TDA.		
						Additionally SBCTA no longer needs to conduct unmet needs hearing, however it's still required to hold at least one hearing. I've included the clipping from TDA. Nicole: Our rideshare program does not organize rides for the public and meetings hosted are only available to employer participants of the program. Reasonable accommodations if requested by employer participants for meetings would be made. Informational services are available to the public online and if requested, in paper format. In addition, incentive and reward programs are		

						available in both electronic and paper format. Our vanpool program complies with Federal Transit Administration rules. Accommodation for ADA modifications to vanpool vehicles are the responsibility of the vanpool providers and included in their contracts/scope of work.		
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Yes, however, because there is limited opportunity for everyone	For context, the question pertains to services/programs/activates provided to the public/individuals, The only service Transit Right of Way provides is administration of Grants of Use provided via Policy 31602. Ancillary services related to the Right of Way are listed and responsible parties identified below. Policy 31602 Existing Practice for applications of Grants of Rights of Use is to send an email, currier, or standard mail to SBCTA with completed application. Applicants become aware of this by seeking out SBCTA or are forwarded to SBCTA via SCRRA. Metrolink Passenger rail service (ticketing included) provided by SCRRA a separate entity. Verify SCRRA respects Title II / ADA. Metrolink Stations SBCTA enters into cooperative agreements with station hosts for the maintenance and security of each of the stations for the management of each station. ADA /Title II to be addressed by the station host/CITY Metrolink Station (Santa Fe Depot) Exception to the above, SBCTA offices are located in the Santa Fe Depot, managed by SBCTA Management Services - defer to Colleen Franco answers Maintenance of SBCTA's Right of Way is not a service provided for the benefit of the public or individuals, but as a benefit to the Agency and a general safety measure.		

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2	Are there circumstances in which the participation of a person with a disability would be excluded or restricted?	§35.130 (b) 1 (i) (ii)(iii) (b) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability— Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service; Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others; Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording 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;(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others; Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program; Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; Otherwise, limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.	Clerk of Board/Support Services	Marleana Roman	Unknown	The boardroom is setup to accommodate. When it comes to a public records request, if not able to do so over website and needs to come in person, there may be a need for services. Procedure 10411 would assist with services needed.	SBCTA services that have direct interface with the public include public meetings, Freeway Service Patrol and Vanpool. Upcoming services include Toll Services. Vanpool vendors have accessible vehicles available for vanpool groups that comply with ADA. On construction sites, there are exclusions/restrictions cited for field construction positions with regards to safety. Accommodations are available for individuals with disability during the public outreach meetings or events but better communication could take place.	While the job descriptions include a section for physical demands needed to perform the work and the environmental elements of the job, it is recommended that SBCTA's General Counsel review the job description for construction field positions prior to posting them to ensure ADA compliance and to confirm that the exclusions or restrictions are necessary for the operation of the program or to the safety of other participants.
			Finance	Lisa Lazzar	N/A	Finance does not provide services to the public. We process payments that are available electronically and in physical form.		
			Fund Administration	Andrea Zureick	Unknown	Fund administration does not provide aid, benefit, or service to the general public but does work directly with local jurisdiction staff. We interact through electronic communication and file-sharing, teleconference, zoom, and in-person meetings. We have not been made aware of obstacles to interacting with us in the past, but we have accessible facilities available for meetings. Not sure if we have the capability for remediating files if that were necessary.		
			General Counsel	Julianna Tillquist	Unknown	The only aid/benefits/services we provide that I can think of are van pool and ride pool, but I'm not well-versed in their administration, other than the vanpool services contract requires WAVs. Also COG. Our Title VI Program provides that the appointed membership of PASTACC must include one representative of a potential transit user who is disabled and two representatives of social services providers for the disabled, as well as opening non-voting membership to "organizations serving individuals with disabilities." Goal 3 of our Title VI Public Participation Plan is to engage with and increase opportunities for the underrepresented and under-served, including those with disabilities.		
			Legislative and Public	Tim Watkins	No	May need to provide language for accessibility options.		

			Affairs					
			Management Services – Human Resources	Colleen Franco	No	I think all reasonable requests for aid/benefits/services could be provided to applicants.		
			Management Services – Facilities	Jennifer Joo/Colleen Franc	Unknown	Building feature wide I think ADA needs are met. As building owner I'm unsure of any obligation to provide aids or supplemental services to the public traveling through the facility.		
			Management Services – Information Technology	Matt Farokhmaneshh	N/A	My department does not interface with the public		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	No	I believe that all reasonable requests would be provided.		
			Planning and Regional Programs – Council of Governments	Monique Reza	No	SBCOG would not implement a meeting, program, or project in which anyone would be excluded on the basis ADA needs.		
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	Maybe	I think people with limited physical abilities might find gaining access into the Depot challenging to the point their participation might be deemed restricted. Our online events and on school site events are likely more accessible to people with disabilities due to the relative ease of accessing a computer and better school ADA compliance.		
			Project Delivery - Construction	Kristi Harris	Yes	When doing so would cause a hardship on the employer. For example, several construction jobs require walking, lifting, climbing, etc.		
			Project Delivery - Design	Juan Lizarde	No			
			- Procurement	Alicia Bullock	Unknown	For safety, this may only occur if there is a job walk that requires physical labor		
			- Risk Management	Steven Keller	NA	I do think that individuals with Visual, Mobility and hearing impairment could have issues in many areas of SBCTA public areas and public meetings. Areas and meetings. Construction sites follow		

						CalOSHA guidance, so access could also be restricted.		
			Express Lanes	Philip Chu	No			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	No			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	No			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	Most Grant of Use Applicants are entities rather than individual, uncertain what procedure would be to accept an application from an individual that is unable to communicate via email, currier, or standard mail. Might be able to take application over phone, but there would still be difficulty in final delivery of agreements, and documentation of information provided by applicant if staff filled out an application based upon some verbal communication.		

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3	If Yes, are the exclusions or restrictions necessary to the operation of the program or to the safety of other participants?	§35.130 (h) h) A public entity may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the public entity must ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.	Clerk of Board/Support Services	Marleana Roman	N/A		For construction sites, field inspection is cited as an example of restriction imposed on persons having a disability. Based on the contract templates, Request for Proposals – the contract template contains a clause for compliance with ADA. For construction solicitations, SBCTA documents include a specification in the contracts that mandate use of Caltrans ADA forms (section 73-3.01D(3) In addition form 1273 from Caltrans has nondiscrimination clauses addressing employment discrimination, section 504 of the Rehabilitation Act.	SBCTA could add an ADA certification form.
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	I am not aware of any such requirements.		
			Legislative and Public Affairs	Tim Watkins	N/A			
			Management	Colleen	N/A			

			Services – Human Resources	Franco				
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmanesh	N/A			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No	I don't believe the omission of handicap door access switches are necessary to our operations.		
			Project Delivery - Construction	Kristi Harris	Yes	Field inspection work often requires walking over sloping and uneven terrain, climbing ladders, stepping over or through objects like railing, lifting/carrying equipment; same for field craft workers and they also must be able to climb in/out of vehicles to operate heavy equipment.		
			Project Delivery - Design	Juan Lizarde	N/A			
			- Procurement	Alicia Bullock	N/A			
			Risk Management	Steven Keller	N/A	I believe that we could improve access by making our website accessible.		
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility	Nancy Strickert	N/A			

			Programs					
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Yes	Access to the Right of Way is inherently dangerous, if an applicant's use is unsafe the Grant of Use application would be rejected.		

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4	Are there separate services, programs or activities for people with disabilities or a class of people with disabilities?	§35.130 (b) 2 (2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities	Clerk of Board/Support Services	Marleana Roman	No		Separate services, programs, and activities are only provided to include designated ADA parking at the Santa Fe Depot, emergency call boxes that are accessible, funding for specialized transit, vanpool vehicles, toll discounts for disabled veterans. The goal of these programs is the equal participation of individuals with disabilities in the "mainstream" of American society.	Same as item 2 above.
			Finance	Lisa Lazzar	N/A	Finance does not provide services, programs or activities.		
			Fund Administration	Andrea Zureick	N/A	Fund administration does not provide services/programs/activities that would require separate accommodation on an on-going basis.		
			General Counsel	Julianna Tillquist	Unknown	Again, the only services/programs/activities I can think of are vanpool, ride pool and Outdoor Equity. I am not aware that any of these are operated in a way that the disabled are required to be in a separate program or activity.		
			Legislative and Public Affairs	Tim Watkins	No	Not as a standard practice, however there may be circumstances that special services will have to be arranged.		
			Management Services – Human Resources	Colleen Franco	NA/No			
			Management Services – Facilities	Colleen Franco	NA/No			
			Management Services – Information Technology	Matt Farokhmanesh	N/A			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes	See item No. 1		
			Planning and	Monique Reza	N/A/No			

			Regional Programs – Council of Governments					
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A	Planning/GIS do not provide services/programs/activities that would require separate accommodation on an on-going basis.		
			Project Delivery - Construction	Kristi Harris	No			
			Project Delivery - Design	Juan Lizarde	No			
			Procurement	Alicia Bullock	No			
			Risk Management	Steven Keller	No			
			Express Lanes	Philip Chu	Yes	We offer a disabled veteran program for discounted trips on the express lanes.		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	No			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes/No	For SBCTA programs there is no separate services however for our operators they provide ADA service to their fixed route service. This is who are senior and disabled and who cannot ride traditional services. This is only for bus operators. Metrolink does not have an alternate service. Rideshare/Vanpool do not have separate services.		
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	No	With respect to Transit ROW provided services/programs/activities. There may/could be separate services provided by other agencies.		

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5	Do all employees who contract with	§35.130 (b)3 A public entity may not, directly or through	Clerk of Board/Support	Marleana Roman	N/A		Some of SBCTA staff are aware of this ADA requirement and some are not.	SBCTA should update the procurement policy and the procurement manual to

	outside agencies, organizations or businesses know that the public entity's ADA obligations apply whether the public entity provides the service, program or activity directly or contracts for it?	contractual or other arrangements, utilize criteria or methods of administration— That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability; That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State. discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.	Services				The contract templates do have a clause to ensure vendors adhere to ADA requirements. However, there is no procedure to ensure that this clause is also included when a Non-SBCTA contract template is utilized.	ensure that staff know this requirement when contracting with other entities to provide services on behalf of the agency. Specifically to address when a non-SBCTA contract template is utilized. Training should be provided to staff involved in the purchasing process to ensure that public funds are not being used to create barriers to access. For example, when purchasing new equipment or furniture, SBCTA should ensure that people with disabilities will receive the same level of service or the same opportunities as those without disabilities.
			Finance	Lisa Lazzar	N/A	All finance contracts are for services to be provided to SBCTA.		
			Fund Administration	Andrea Zureick	Unknown	Agreements that we have with local jurisdictions where we provide funding for projects state that the local jurisdiction is required to abide by all federal, state, and local laws and regulations pertaining to the project funded by SBCTA.		
			General Counsel	Julianna Tillquist	Unknown	If this pertains to administration of programs, see above comments. With regard to administration of the agency itself, see Policies 10100 (EEO), 10101 (Discrimination, Harassment & Retaliation) and 10111 (Work Hours, Leave and Absences). With regard to administration of capital projects, see Measure I Strategic Plan, Parts 1 and 2, 10 Year Delivery Plan, and Policies 34201, 40003, 40009, 40012, 40014, 40016 and 40018, all of which provide that Measure I funds can be used to bring curbs, gutters, etc., into ADA compliance. Our Title VI notice purports to be "in accordance with" Title II of the ADA, but only states that SBCTA will not discriminate on the bases of "race, color or national origin." Our Title VI Program provides that the appointed membership of PASTACC must include one representative of a potential transit user who is disabled and two representatives of social services providers for the disabled, as well as opening non-voting membership to "organizations serving individuals with disabilities." Goal 3 of our Title VI Public Participation Plan is to engage with and increase opportunities for the underrepresented and under-served, including those with disabilities.		
			Legislative and Public Affairs	Tim Watkins	Yes	As it applies to the outside organizations that support Public Affairs		
			Management Services – Human Resources	Colleen Franco	Yes	See Policies 10100 (EEO), 10101 (Discrimination, Harassment & Retaliation) and 10111 (Work Hours, Leave and Absences).		

			Management Services – Facilities	Colleen Franco	Yes	Following building code requirements. Lease and Use agreements include terms for compliance.		
			Management Services – Information Technology	Matt Farokhmanesh	Yes	It looks like our RFPs contain this language		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes	All entities are aware of that requirement and it is within all of the agreements.		
			Planning and Regional Programs – Council of Governments	Monique Reza	Yes	The member agencies through which the Work Plan will be implemented, requirements to which the public agencies must adhere.		
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	Yes/No	Similar to Fund Admin, agreements that we have with local jurisdictions where we provide funding for projects state that the local jurisdiction are required to abide by all federal, state, and local laws and regulations pertaining to the project funded by SBCTA. There is likely room for improvement where PM work with consultants who have access to the public is concerned though.		
			Project Delivery - Construction	Kristi Harris	Yes	I can't know what employees know, but in our construction contracts, we require contractors to display EEO posters in a clearly visible common area so that all employees have an opportunity to read and know their rights. And as part of our Labor Compliance tasks, we document with photos that those posters are posted. Also, labor compliance interviews (LAPM 16-N) help inform contractor's employees about their companies EEO policies and who the EEO officer(s) are.		
			Project Delivery - Design	Juan Lizarde	Yes			
			Procurement	Alicia Bullock	Yes	There is an article in our contracts that require contractors to comply with the Americans with Disabilities Act.		
			Risk Management	Steven Keller	Yes			

			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	Cannot address knowledge of all employees, With respect to Transit ROW, there has been minimal/possibly no contact with the public		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
6	Does the public entity notify each contractor of its responsibilities for providing contracted services in a nondiscriminatory manner?	§35.130 (b)3 A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration— That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability; That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.	Clerk of Board/Support Services	Marleana Roman	Unknown		See item 5 above	SBCTA should require assurances from contractors of their fulfillment of Title II requirements.
			Finance	Lisa Lazzar	Yes	There is an article in each standard contract that requires the vendor to comply with ADA requirements.		
			Fund Administration	Andrea Zureick	Yes	While Fund Administration typically only has two contractor agreements, it appears this is standard template language for SBCTA contracts.		
			General Counsel	Julianna Tillquist	Yes	I did not review all our templates, but I did search them in LF and reviewed some. It appears that all our federal templates have detailed Civil Rights provisions, including prohibitions on discrimination against the disabled and references to the ADA. Our non-federal templates contain a summary provision that the contractor/consultant must comply with the ADA.		
			Legislative and Public Affairs – Public Affairs	Tim Watkins	Yes			
			Management Services – Human	Colleen Franco	Yes	Contract language includes this.		

			Resources					
			Management Services – Facilities	Colleen Franco	Yes	Contract language includes this		
			Management Services – Information Technology	Matt Farokhmanesh	Yes	It looks like our standard documents include this language		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes	See item No. 1 above		
			Planning and Regional Programs – Council of Governments	Monique Reza	Unknown	I assume this is placed in the agreements as a requirement of Risk/Legal/Procurement Process, but I do not know.		
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	Yes	This language is included in our contract templates.		
			Project Delivery - Construction	Kristi Harris	Yes	This language is included in our contract templates.		
			Project Delivery - Design	Juan Lizarde	Yes	Included in the Statement of Compliance in our design contracts.		
			Procurement	Alicia Bullock	Yes	There is an article in our contracts that require contractors to comply with the Americans with Disabilities Act and Title VI.		
			Risk Management	Steven Keller	Yes	Our boilerplate contract contain this		
			Express Lanes	Philip Chu	Yes	TCA and City of Irvine are aware and have to follow similar ADA regulations since they are also public entities. Contracts contain language requiring compliance with government regulations.		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Yes			
			Transit and Rail Programs	Nancy Strickert	Yes	It will be a part of the contract		

			- Multimodal Mobility Programs					
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	N/A	At present Transit ROW does not deliver any services to the public via contractor.		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
7	Does the public entity require assurances from contractors of their fulfillment of Title II requirements?	Best Practice	Clerk of Board/Support Services	Marleana Roman	Unknown		See item 5	See item 6 above
			Finance	Lisa Lazzar	Yes	There is an article in each standard contract that requires the vendor to comply with ADA requirements.		
			Fund Administration	Andrea Zureick	No	I see that they are required to comply with ADA but do not see that they are required to provide assurances		
			General Counsel	Julianna Tillquist	No			
			Legislative and Public Affairs	Tim Watkins	Yes	Via contract language		
			Management Services – Human Resources	Colleen Franco	Unknown			
			Management Services – Facilities	Colleen Franco	Unknown			
			Management Services – Information Technology	Matt Farokhmaneshh	Unknown	I didn't see anything that says we require assurances		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Unknown	I believe the language is within the agreements based on the current language.		
			Planning and Regional Programs – Council of	Monique Reza	Unknown	I assume this is placed in the agreements as a requirement of Risk/Legal/Procurement Process, but I do not know.		

			Governments					
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No			
			Project Delivery - Construction	Kristi Harris	Yes	Included as a Federal requirement in construction contract.		
			Project Delivery - Design	Juan Lizarde	Yes	Included as a Federal requirement in construction contract.		
			Procurement	Alicia Bullock	Yes	There is an article in our contracts that require contractors to comply with the Americans with Disabilities Act		
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	Yes	TCA and City of Irvine are aware and have to follow similar ADA regulations since they are also public entities. Contracts contain language requiring compliance with government regulations.		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Yes			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Unsure	They are required to comply with ADA but do not see that they are required to provide assurances		
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	NA	See above, however the Maintenance of Way Services language does not address ADA or Title II		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
8	Are there procedures to ensure that contractors provide the services,	Best Practice	Clerk of Board/Support Services	Marleana Roman	Unknown		See item 5 above	See item 6 above
			Finance	Lisa Lazzar	No	We have not encountered any issues that I am aware of so we have not developed		

	programs and activities in a nondiscriminatory manner consistent with the Title II requirements?					procedures.		
			Fund Administration	Andrea Zureick	No			
			General Counsel	Julianna Tillquist	No			
			Legislative and Public Affairs – Public Affairs	Tim Watkins	Unknown	Expectation is expressed prior to each task.		
			Management Services – Human Resources	Colleen Franco	Unknown			
			Management Services – Facilities	Colleen Franco	Unknown			
			Management Services – Information Technology	Matt Farokhmaneh	Unknown	I couldn't find any documents about this		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes	Current language is within the agreements.		
			Planning and Regional Programs – Council of Governments	Monique Reza	Unknown	I assume this is placed in the agreements as a requirement of Risk/Legal/Procurement Process, but I do not know.		
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	Nope			
			Project Delivery - Construction	Kristi Harris	Yes	Included as a Federal requirement in construction contract.		
			Project Delivery - Design	Juan Lizarde	Yes			
			Procurement	Alicia Bullock	Yes	There is an article in our contracts that require contractors to comply with the Americans with Disabilities Act		
			Risk Management	Steven Keller	Unknown			

			Express Lanes	Philip Chu	Yes	TCA has policies for this at the walk-in centers.		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown	Though there are provisions in the contract, do not think SBCTA has procedures to check compliance and not sure if we should. Perhaps the reporting/complaint procedure will help in determining if the contractor is compliant.		
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Unknown			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	N/A	See above, however the Maintenance of Way Services language does not address ADA or Title II		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
9	Are employees and officials aware that the public entity is obligated to make a reasonable modification in policies, practices, or procedures if the modification is necessary for a person with a disability to participate?	§35.130 (b)(7) (i) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.	Clerk of Board/Support Services	Marleana Roman	Yes		SBCTA departments dealing with public are generally aware of this requirement to provide reasonable accommodations and contact information is provided on meeting agendas for public meetings and on notices for public hearings, to request reasonable accommodations at least 72 hours before the meeting.	Develop an ADA Nondiscrimination Notice, post it in the agency website, and disseminate the notice to all employees.
			Finance	Lisa Lazzar	Yes	Nothing in writing but in general, we would make any modifications that are feasible.		
			Fund Administration	Andrea Zureick	Yes	General knowledge – not sure it is written anywhere.		
			General Counsel	Julianna Tillquist	Unknown	I am sure some have a general awareness, but am doubtful we have a solid understanding agency-wide.		
			Legislative and Public Affairs	Tim Watkins	Unknown	Our unit and support teams are verbally reminded of this expectation regularly.		
			Management Services – Human Resources	Colleen Franco	Yes	EEO Policy is covered with all new staff upon hire to relay the position of the agency and the requirement. Title VI also covers inclusion and participation of all. The addition of this new ADA plan will specifically highlight the ADA side in more detail.		
			Management	Matt	Yes	I think this falls under the standard	However, based on some of the responses it	SBCTA shall establish internal processes

			Services – Information Technology	Farokhmaneshh		employment documents for all new employees	seems like there may be some staff that are unaware of these requirements and or the process since there is no policy or procedure providing a written statement of reasons for reaching a conclusion that a reasonable accommodation might result in undue financial or administrative burden in providing reasonable accommodations.	for documenting reasonable modification requests, determine if cost prohibit or not and determine the person(s) responsible for deciding which request would fundamentally alter the nature of the goods, services, facilities, privileges, or accommodations.
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs – Council of Governments	Monique Reza	Yes			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	Yes?	Given out how often policy modifications are brought before the Board, I'd like to think that the employees and officials who are responsible for overseeing our policies are aware of this.		
			Project Delivery - Construction	Kristi Harris	Yes	I think most, if not all, people working on construction sites are familiar with reasonable accommodation and modified work duties. Our contracts require contractors to comply with EEO policies and we document and test their compliance.		
			Project Delivery - Design	Juan Lizarde	Yes	General knowledge.		
			Procurement	Alicia Bullock	Unknown/ Yes	Yes: Project Managers are aware that there is an article in our contracts that require contractors to comply with the Americans with Disabilities Act		
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and Rail Programs	Ryan Aschenbrenne	NA	Cannot speak to the knowledge of each employee / official		

			– Right-of-Way	r				

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
10	Are employees and officials aware that: a. The public entity must allow service animals to accompany people with disabilities in all areas where people without service animals are allowed to go.	§ 35.136 Service animals (a) General. Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability (g) Access to areas of a public entity. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.	Clerk of Board/Support Services	Marleana Roman	Yes	This is included (in both English and Spanish) in the Meeting Procedures and Rules of Conduct on the website and printed with every Brown act agenda.	SBCTA's written policies do not specifically address service animals. Some staff are unaware or unsure of the requirements described in questions related to service animals.	SBCTA should provide ADA regulations training that address service animals to all staff in all departments.
			Finance	Lisa Lazzar	Unknown	It seems like this would be reasonable and employees would not disagree.		
			Fund Administration	Andrea Zureick	No	General knowledge – not sure it is written anywhere.		
			General Counsel	Julianna Tillquist	Unknown	Some of these questions lead to the conclusion that we need to conduct some employee training.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	Yes	Practice but not specific in our policies or procedures. Consider revisions to include.		
			Management Services – Facilities	Colleen Franco	Yes	Practice and in post orders of Depot Security		
			Management Services – Information Technology	Matt Farokhmaneshh	Yes	I am aware of this just from previous management training; I believe it is a standard practice here as well		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes	No specific language on service animals, but general ADA language within the agreements		
			Planning and Regional Programs – Council of Governments	Monique Reza	No	I am unaware of this provision/policy.		
			Planning and Regional Programs –	Ginger Koblasz	Yes	To copy Colleen: Practice but not specific in our policies or procedures. Consider revisions to include.		

			Planning & GIS (together)					
			Project Delivery - Construction	Kristi Harris	Yes but	But I think this comes from common knowledge. I cannot find any contract document that explicitly states it		
			Project Delivery - Design	Juan Lizarde	Unknown	Not aware of policy or contract containing this requirement.		
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown	We should have a policy that clearly spells this out. I am not aware any existing policy.		
			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Yes	I would assume so		
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	Cannot speak to the knowledge of each employee / official, however with respect to Transit ROW (real property management), which should be differentiated from Transit Capital ROW (re-acquisitions), this appears to be largely un-applicable since areas which people might visit with a service animal are either a. restricted for safety purposes (i.e. active railroad right of way) b. under the care and custody by another agency pursuant to a cooperative agreement (verify other agency has evaluated/and is addressing compliance with ADA) (on the train, in the train stations, licensed public bike/pedestrian trail improvements) c. if the SBCTA offices themselves I defer to Management Services		
10	Are employees and officials aware that: b. Only two questions may be	§ 35.136 (f) Inquiries. A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal	Clerk of Board/Support Services	Marleana Roman	No		Same as 10a.	Staff involved in dealing with the public should be provided comprehensive training regarding ADA title II requirements addressing Wheelchairs, service animals,
			Finance	Lisa Lazzar	No			

	asked: (1) Is the dog a service animal required because of a disability? and (2) What work or task has the dog been trained to perform?	qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).	Fund Administration	Andrea Zureick	No			provision of space and relief areas for service animals in public meetings/events. ADA training and training courses are available online at this link ADA training/ADA national Network (adata.org) It is recommended that guidance for handling service animals in emergency situations and evacuation of service animals should also be developed.
			General Counsel	Julianna Tillquist	Unknown	Doubtful		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	No	Consider adding to policy or procedure		
			Management Services – Facilities	Jennifer Joo/Colleen Franco	Unknown	Verifying if in post orders		
			Management Services – Information Technology	Matt Farokhmanesh	Yes	Like above, I believe this is a known standard. That said I couldn't find documentation or training on it		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes	General knowledge for ADA, but not specifically within a policy/contract.		
			Planning and Regional Programs – Council of Governments	Monique Reza	No			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No			
			Project Delivery - Construction	Kristi Harris	Unknown			
			Project Delivery - Design	Juan Lizarde	Unknown			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown	This should be in added into a policy.		
			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital	Joy Buenaflor	No			

			Projects					
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See above. (re: service animal)		
10	Are employees and officials aware that: c. The public entity may not ask about a person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task?	§ 35.136(f) (f) Inquiries. A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).	Clerk of Board/Support Services	Marleana Roman	Unknown		Same as item 10a above	Same as item 10b above
			Finance	Lisa Lazzar	No			
			Fund Administration	Andrea Zureick	No			
			General Counsel	Julianna Tillquist	Unknown	I doubt the majority of employees are aware of this rule.		
			Legislative and Public Affairs	Tim Watkins	Unknown	Expressed to teams verbally		
			Management Services – Human Resources	Colleen Franco	No			
			Management Services – Facilities	Colleen Franco	No			
			Management Services – Information Technology	Matt Farokhmanesh	Yes	I personally know this, but employees not in management may be unaware		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs – Council of Governments	Monique Reza	Yes			
			Planning and Regional Programs –	Ginger Koblasz	Probably not	In practice, hopefully all employees have enough tact and respect for others to avoid this sort of thing though.		

			Planning & GIS (together)					
			Project Delivery - Construction	Kristi Harris	Yes/ Unknown	The experience of the pandemic showed me that most if not all colleagues I encountered know not to ask about someone else's medical information. So I say 'yes' to the first part. IDK about the rest of the question		
			Project Delivery - Design	Juan Lizarde	Unknown			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown	I do, but not sure if everyone does		
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See above. (re: service animal)		
10	Are employees and officials aware that: d. A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken and, in these circumstances employees must offer the person with the disability the opportunity to obtain	§ 35.136(b) Exceptions. A public entity may ask an individual with a disability to remove a service animal from the premises if— The animal is out of control and the animal's handler does not take effective action to control it; or The animal is not housebroken (C) If an animal is properly excluded. If a public entity properly excludes a service animal under § 35.136(b), it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises	Clerk of Board/Support Services	Marleana Roman	Unknown		Same as item 10a above	Same as item 10b above
			Finance	Lisa Lazzar	No			
			Fund Administration	Andrea Zureick	No			
			General Counsel	Julianna Tillquist	Unknown	Again, I'm not confident this is understood agency-wide.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	Unknown	Assumed but nothing specific in policy or training.		
			Management Services – Facilities	Colleen Franco	Unknown	Assumed but nothing specific in policy or training.		

	goods or services without the animal's presence?		Management Services – Information Technology	Matt Farokhmanesh	Unknown	I doubt that people are aware of this		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs – Council of Governments	Monique Reza	Yes			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No	I would have just let the dog trash the place.		
			Project Delivery - Construction	Kristi Harris	Unknown			
			Project Delivery - Design	Juan Lizarde	Unknown			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See above. (re: service animal		
10	Are employees and officials aware that: e. The public entity must permit a miniature horse to accompany a person	§ 35.136(b) Miniature horses. Reasonable modifications. A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if	Clerk of Board/Support Services	Marleana Roman	Yes	Included in meeting procedures and rules of conduct.	Same as item 10a above	Same as item 10b above
			Finance	Lisa Lazzar	No			
			Fund Administratio	Andrea Zureick	No			

	with a disability where reasonable? Assessment factors include, the size and weight, whether the horse is housebroken, and whether its presence compromises safety requirements.	the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. Assessment factors. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider— The type, size, and weight of the miniature horse and whether the facility can accommodate these features; Whether the handler has sufficient control of the miniature horse; Whether the miniature horse is housebroken; and Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.	n					
			General Counsel	Julianna Tillquist	Unknown	Probably not.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	No			
			Management Services – Facilities	Colleen Franco	No			
			Management Services – Information Technology	Matt Farokhmanesh	No	I highly doubt this is known		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Unknown			
			Planning and Regional Programs – Council of Governments	Monique Reza	No			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No			
			Project Delivery - Construction	Kristi Harris	Unknown			
			Project Delivery - Design	Juan Lizarde	No			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	No			
			Transit and	Nancy	Yes			

			Rail Programs - Multimodal Mobility Programs	Strickert				
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See above. (re: service animal)		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
Wheelchairs and Other Power-Driven Mobility Devices								
11	Are employees and officials aware that: a. People with mobility disabilities may use wheelchairs, scooters and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use?	§ 35.137 Mobility devices. (a) Use of wheelchairs and manually-powered mobility aids. A public entity shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.	Clerk of Board/Support Services	Marleana Roman	Yes	Meeting procedures and signs specify sections of boardroom for wheelchairs.		
			Finance	Lisa Lazzar	Yes	I don't believe this is written but it seems reasonable.	SBCTA departments are generally aware but SBCTA's policy manual does not specifically address wheelchairs and other power-driven mobility devices, and these requirements have not been formally communicated to departments	SBCTA should provide ADA regulations regarding power driven mobility devices to all staff in all departments.
			Fund Administration	Andrea Zureick	Yes	General knowledge – not sure it is written anywhere.		
			General Counsel	Julianna Tillquist	Unknown			
			Legislative and Public Affairs	Tim Watkins	Yes			
			Management Services – Human Resources	Colleen Franco	Unknown	Assumed but nothing specific in policy or training.		
			Management Services – Facilities	Colleen Franco	Unknown	Assumed but nothing specific in policy or training.		
			Management Services – Information Technology	Matt Farokhmaneshh	Yes	I believe people are aware of this, but I don't know if there is official documentation		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs –	Monique Reza	Yes			

			Council of Governments					
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	Yes	I tried to poke around our policies to find mention of this but couldn't find anything. Not sure making more policies is entirely the answer, but if you must, it might be worthwhile to make them easier to understand and search.		
			Project Delivery - Construction	Kristi Harris	Yes	I think this is general knowledge and I think this is probably encompassed within the contract requirements to comply with EEO laws. But I am not aware of where this is written so that employees would know.		
			Project Delivery - Design	Juan Lizarde	Yes			
			Procurement	Alicia Bullock	Yes			
			Risk Management	Steven Keller	Unknown	I think this is general knowledge and common sense but I am not aware of it ever being communicated.		
			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	SBCTA will be performing field survey of facilities open to pedestrian use for physical access barriers to evaluate if mobility devices are able to access any areas open to pedestrian use.		
11	b. People with mobility disabilities may use other power-driven mobility device in any areas open to pedestrian use unless the public entity can demonstrate that the class of other power-driven	§ 35.137 (b) Use of other power-driven mobility devices. A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h). Assessment factors. In determining whether a particular other power-driven mobility device can	Clerk of Board/Support Services	Marleana Roman	Unknown		Same as Item No. 11a above.	Same as Item No. 11a above.
			Finance	Lisa Lazzar	No			
			Fund Administration	Andrea Zureick	No`			
			General Counsel	Julianna Tillquist	Unknown	Doubtful that these details are understood by everyone.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management	Colleen	Unknown	Assumed but nothing specific in policy or		

	mobility devices cannot be operated in accordance with legitimate safety requirements. Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices, such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of Title IIII.. Some of the factors that go into determining "legitimate safety requirements" include: size and speed of the device, the	be allowed in a specific facility as a reasonable modification under paragraph (b)(1) of this section, a public entity shall consider— The type, size, weight, dimensions, and speed of the device; The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year); The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user); Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations	Services – Human Resources	Franco		training.		
			Management Services – Facilities	Colleen Franco	Unknown	Assumed but nothing specific in policy or training.		
			Management Services – Information Technology	Matt Farokhmaneseh	No	I don't think people understand the details		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs – Council of Governments	Monique Reza	Yes			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No			
			Project Delivery - Construction	Kristi Harris	Yes	I think this is general knowledge and I think this is probably encompassed within the contract requirements to comply with EEO laws. But I am not aware of where this is written so that employees would know.		
			Project Delivery - Design	Juan Lizarde	Yes			
			Procurement	Alicia Bullock	Yes			
			Risk Management	Steven Keller	unknown			
			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and	Ryan	Unknown	See above regarding pending field survey of		

	facility's design and characteristics (outdoor, indoor), and risk of harm to the immediate environment.		Rail Programs – Right-of-Way	Aschenbrenner		facilities for physical access barriers.		
11	cc. They may not ask about the nature and extent of the individual's disability, but may ask an individual to provide a credible assurance that the mobility device is required because of the person's disability? Credible assurance includes a state-issued, disability parking placard or card, or other state-issued proof of disability or a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability.	§ 35.137 (c) Inquiry about disability. A public entity shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. Inquiry into use of other power-driven mobility device. A public entity may ask a person using another power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. A public entity that permits the use of an other power-driven mobility device by an individual with a mobility disability shall accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a public entity shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.	Clerk of Board/Support Services	Marleana Roman	Unknown		Same as Item No. 11a above.	Same as Item No. 11a above.
			Finance	Lisa Lazzar	No			
			Fund Administration	Andrea Zureick	No			
			General Counsel	Julianna Tillquist	Unknown	Again, as there has been no employee training, I would not expect employees to have this knowledge.		
			Legislative and Public Affairs	Tim Watkins	Unknown	Expressed verbally		
			Management Services – Human Resources	Colleen Franco	Unknown	Assumed but nothing specific in policy or training.		
			Management Services – Facilities	Colleen Franco	Unknown	Assumed but nothing specific in policy or training.		
			Management Services – Information Technology	Matt Farokhmaneshh	No	I thought you could not ask anyone anything about the devices, and I Have received training on ADA. I doubt everyone knows this		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs – Council of Governments	Monique Reza	Yes			
			Planning and Regional	Ginger Koblasz	No	I thought we just had to let people do what they need to do.		

			Programs – Planning & GIS (together)					
			Project Delivery - Construction	Kristi Harris	Yes			
			Project Delivery - Design	Juan Lizarde	Yes			
			Procurement	Alicia Bullock	Yes			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	Yes			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown	Not sure if everyone knows this		
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See response above relating to service animals.		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
Surcharges and Costs -								
12	Are employees and officials aware that the public entity may not place a surcharge on people with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility,	§ 35.130 (7) (f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.	Clerk of Board/Support Services	Marleana Roman	Unknown		SBCTA departments are generally aware of this but SBCTA's personnel policies and procedures do not specifically address this requirement, and these requirements have not been formally communicated to all the departments	It is recommended that once SBCTA finalizes the ADA Nondiscrimination Notice that: a. Staff in all departments should be provided with the Notice b. Notice should be posted in SBCTA's website.
			Finance	Lisa Lazzar	No			
			Fund Administration	Andrea Zureick	No			
			General Counsel	Julianna Tillquist	Unknown	Since we have not trained on it, I doubt it.		
			Legislative and Public Affairs	Tim Watkins	Yes			
			Management Services – Human	Colleen Franco	Unknown	Assumed but nothing specific in policy or training. Title VI Language assistance plan outlines expectations for language		

	that are required to provide nondiscriminatory treatment?		Resources			impairment.		
			Management Services – Facilities	Colleen Franco	Unknown	Assumed but nothing specific in policy or training.		
			Management Services – Information Technology	Matt Farokhmanesh	Yes	I would think this is common knowledge, but there is nothing detailing it		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs – Council of Governments	Monique Reza	No			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No	I would have said yes, but judging from the other answers here…		
			Project Delivery - Construction	Kristi Harris	Yes	I am aware of this because SBCTA and contractor employees are provided with ergonomic office equipment and will special order if necessary.		
			Project Delivery - Design	Juan Lizarde	Unknown			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	Yes	There are no surcharges placed. In fact, we have a program that provides discounts for disabled veterans.		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	No			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			

			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See response above relating to service animals.		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
Ticketing								
13	Are tickets for accessible seats sold during the same hours; through the same methods of purchase (by telephone, on site, through a website, or through third-party vendors); and during the same stages of sales (pre-sales, promotions, general sales, wait lists, or lotteries) as non-accessible seats?	§ 35.138 Ticketing (a) For the purposes of this section, "accessible seating" is defined as wheelchair spaces and companion seats that comply with sections 221 and 802 of the 2010 Standards along with any other seats required to be offered for sale to the individual with a disability pursuant to paragraph (d) of this section. Ticket sales. A public entity that sells tickets for a single event or series of events shall modify its policies, practices, or procedures to ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating— During the same hours; During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait-lists, and general sales; Through the same methods of distribution; In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and Under the same terms and conditions as other tickets sold for the same event or series of events.	Clerk of Board/Support Services	Marleana Roman	N/A		City/County conference is managed by the County of San Bernardino. It seems like staff managing the B2B events and ribbon cutting events are not familiar with the ADA requirements regarding accessible seating.	SBCTA should consider reserving accessible seats in the front at future ribbon cutting and other public events
			Finance	Lisa Lazzar	N/A	Finance does not sell tickets for anything.		
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmanesh	Unknown			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs –	Ginger Koblasz	N/A			

			Planning & GIS (together)					
			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	Tickets are managed by the railroad operators that stop at the Rail Stations. (SCRRA/Metrolink and AMTRAK; verify railroad practice?) Metrolink has a smartphone app, website, and physical ticket vending devices located at stations for sale of tickets. There might be more		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
14	If accessible seating is not available in areas of the venue with lower prices, is lower priced accessible seating available in higher priced locations?	§ 35.138 Ticketing Identification of available accessible seating. A public entity that sells or distributes tickets for a single event or series of events shall, upon inquiry— Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility; (c) Ticket prices. The price of tickets for accessible seating for a single event or series of events shall not	Clerk of Board/Support Services	Marleana Roman	N/A		SBCTA does not interact, disburse, or monitor ticketing	None
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs –	Tim Watkins	Unknown			

		be set higher than the price for other tickets in the same seating section for the same event or series of events. Tickets for accessible seating must be made available at all price levels for every event or series of events. If tickets for accessible seating at a particular price level are not available because of inaccessible features, then the percentage of tickets for accessible seating that should have been available at that price level (determined by the ratio of the total number of tickets at that price level to the total number of tickets in the assembly area) shall be offered for purchase, at that price level, in a nearby or similar accessible location	Public Affairs					
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmanesh	N/A	My department does not interact with the public		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			
			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and	Ryan	Unknown	See response above relating to the		

			Rail Programs – Right-of-Way	Aschenbrenner		operation of Ticketing by Railroads		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
15	Do venues and third-party sellers provide the same information about accessible seats as provided about non- accessible seats?	§ 35.138 Ticketing (b)(3) Provide materials, such as seating maps, plans, brochures, pricing charts, or other information, that identify accessible seating and information relevant thereto with the same text or visual representations as other seats, if such materials are provided to the general public	Clerk of Board/Support Services	Marleana Roman	N/A		SBCTA does not interact, disburse, or monitor ticketing	None
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmanesh	N/A	My department doesn't interact with the public		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			

			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	UNK	See response above relating to the operation of Ticketing by Railroads		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
16	Can ticket sellers describe accessible seating in enough detail to permit the purchaser to determine if a seat meets his or her needs?	§ 35.138 Ticketing Ticketing(b) (2) Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets his or her accessibility needs; and	Clerk of Board/Support Services	Marleana Roman	N/A		SBCTA does not interact, disburse, or monitor ticketing	None
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			

			Management Services – Information Technology	Matt Farokhmaneshh	N/A	My department doesn't interact with the public		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			
			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See response above relating to the operation of Ticketing by Railroads		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
17	Do ticket sellers know that people purchasing a ticket for a wheelchair space may purchase up to three additional seats for their companions as close as possible to the wheelchair space and that these companion seats may include wheelchair spaces?	§ 35.138 Ticketing Purchasing multiple tickets. General. For each ticket for a wheelchair space purchased by an individual with a disability or a third-party purchasing such a ticket at his or her request, a public entity shall make available for purchase three additional tickets for seats in the same row that are contiguous with the wheelchair space, provided that at the time of purchase there are three such seats available. A public entity is not required to provide more than three contiguous seats for each wheelchair space. Such seats may include wheelchair spaces.	Clerk of Board/Support Services	Marleana Roman	N/A		SBCTA does not interact, disburse, or monitor ticketing	None
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmanesh	N/A	My department does not interact with the public		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			
			Project Delivery - Construction	Kristi Harris	N/A			
			Project	Juan Lizarde	N/A			

			Delivery - Design					
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See response above relating to the operation of Ticketing by Railroads		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
18	Do ticket sellers know that unsold accessible seats may be released and sold to members of the general public in only one of three circumstances: when all non-accessible seats have been sold (excluding luxury boxes, club boxes, suites, and seats the venue holds back when declaring a sell-out); or	§ 35.138 Ticketing Hold-and-release of tickets for accessible seating. Tickets for accessible seating may be released for sale in certain limited circumstances. A public entity may release unsold tickets for accessible seating for sale to individuals without disabilities for their own use for a single event or series of events only under the following circumstances— When all non-accessible tickets (excluding luxury boxes, club boxes, or suites) have been sold; When all non-accessible tickets in a designated seating area have been sold and the tickets for accessible seating are being released in the same designated area; or When all non-accessible tickets in a designated price category have been sold and the tickets for accessible seating are being released within the same designated price category.	Clerk of Board/Support Services	Marleana Roman	N/A		SBCTA does not interact, disburse, or monitor ticketing	None
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services –	Matt Farokhmanes	N/A	My department does not interact with the public		

			Information Technology	h				
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			
			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See response above relating to the operation of Ticketing by Railroads		
18	when all non-accessible seats	See above	Clerk of Board/Suppor	Marleana Roman	N/A		SBCTA does not interact, disburse, or monitor ticketing	None

	in a particular seating section have been sold; or		t Services					
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmaneshh	N/A	My department does not interact with the public		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			
			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and	Joy Buenaflor	N/A			

			Rail Programs – Capital Projects					
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See response above relating to the operation of Ticketing by Railroads		
18	When all non-accessible seats in a particular price category have been sold?	See above	Clerk of Board/Support Services	Marleana Roman	N/A		n/a	n/a
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown			
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmanesh	N/A			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and	Ginger	N/A			

			Regional Programs – Planning & GIS (together)	Koblasz				
			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See response above relating to the operation of Ticketing by Railroads		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
19	If the venue permits patrons to give or sell their tickets to others, does the venue know that the same right must be extended to patrons with disabilities and that those tickets may be sold to someone who does not have a	§ 35.138 Ticketing (f) Ticket transfer. Individuals with disabilities who hold tickets for accessible seating shall be permitted to transfer tickets to third parties under the same terms and conditions and to the same extent as other spectators holding the same type of tickets, whether they are for a single event or series of events	Clerk of Board/Support Services	Marleana Roman	N/A		n/a	n/a
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services –	Colleen Franco	N/A			

	disability?		Human Resources					
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmanesh	N/A			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			
			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and Rail Programs	Ryan Aschenbrenne	Unknown	See response above relating to the operation of Ticketing by Railroads		

			– Right-of-Way	r				

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
20	Do ticket sellers know that for single event tickets, venues may ask purchasers to state that they require, or are purchasing tickets for someone who requires, the features of an accessible seat?	§ 35.138 Ticketing Prevention of fraud in purchase of tickets for accessible seating. A public entity may not require proof of disability, including, for example, a doctor's note, before selling tickets for accessible seating. Single-event tickets. For the sale of single-event tickets, it is permissible to inquire whether the individual purchasing the tickets for accessible seating has a mobility disability or a disability that requires the use of the accessible features that are provided in accessible seating, or is purchasing the tickets for an individual who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating	Clerk of Board/Support Services	Marleana Roman	N/A		n/a	n/a
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs – Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmaneshh	N/A			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			

			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			
			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	N/A			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See response above relating to the operation of Ticketing by Railroads		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
21	Do ticket sellers know that for series of events tickets, purchasers may be asked to attest in writing that they require, or are purchasing tickets for someone who requires, the features of an	(2) Series-of-events tickets. For series-of-events tickets, it is permissible to ask the individual purchasing the tickets for accessible seating to attest in writing that the accessible seating is for a person who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.	Clerk of Board/Support Services	Marleana Roman	N/A		n/a	n/a
			Finance	Lisa Lazzar	N/A			
			Fund Administration	Andrea Zureick	N/A			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs	Tim Watkins	Unknown			

	accessible seat?		Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmanesh	N/A			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	N/A			
			Planning and Regional Programs – Council of Governments	Monique Reza	N/A			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			
			Project Delivery - Construction	Kristi Harris	N/A			
			Project Delivery - Design	Juan Lizarde	N/A			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	N/A			
			Transit and Rail Programs - Multimodal	Nancy Strickert	N/A			

			Mobility Programs					
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	See response above relating to the operation of Ticketing by Railroads		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
Other								
22	Is information about the public entity's accessible services, activities and facilities available to the public and to current and future program participants?	§ 35.106 Notice A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part § 35.163 Information and signage (a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities	Clerk of Board/Support Services	Marleana Roman	Unknown		Most departments indicated that they are not familiar with this requirement. There does not seem to be a policy in place for maintenance of accessible features and some public meetings (project specific) may be held in venues maintained by others.	SBCTA should ensure that staff and consultants responsible for setting off site meetings are aware that ADA requirements need to be complied with such as holding meetings and events on accessible routes, incorporating clear spaces, accessible room set-up and integrated seating. If events are to be coordinated and arranged by external consultants, the consultant's scope of work for the events should clearly include compliance with all ADA requirements.
			Finance	Lisa Lazzar	Unknown			
			Fund Administration	Andrea Zureick	Unknown			
			General Counsel	Julianna Tillquist	Unknown	City-County Conference, B2B Expo, etc.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	Unknown			
			Management Services – Facilities	Colleen Franco	Unknown			
			Management Services – Information Technology	Matt Farokhmaneshh	N/A			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Unknown			
			Planning and Regional Programs – Council of	Monique Reza	Unknown			

			Governments					
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	N/A			
			Project Delivery - Construction	Kristi Harris	Yes	Contract plans upgrade pedestrian facilities to comply with current ADA codes/laws. We ensure this is executed in the field by measuring and documenting on Caltrans CEM-5773 series forms. Pedestrian paths have the required maximum slopes, truncated domes mats, tining, and intersection have accessible ped push buttons with audible signals.		
			Project Delivery - Design	Juan Lizarde	Unknown			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A	Not in operations, will coordinate with TCA		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes/No	For rideshare and vanpool, we do not have this information publicly written on our websites. If a standard template is provided that we can use, we can incorporate.		
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	No	With respect to receipt/processing of applications for Grants of Use there is little information available/published to the public in general, and therefore accessible ways to apply being a subset of the foregoing I am not aware that there is information regarding accessible ways to apply for a Grant of Use.		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION

		Government Services			/ N/A			
23	Are all public meetings and events held in accessible and safe locations? Note: Are sites evaluated to include site arrival points, signage, meeting room(s), supporting restrooms, drinking fountains, public phones, registration counters, etc.?	§ 35.130 A public entity may not, in determining the site or location of a facility, make selections— That have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.	Clerk of Board/Support Services	Marleana Roman	Yes	Boardroom is ADA accessible, not sure if evaluated	Same as item No. 22 above	Same as item. No. 22 above. Recommend performing evaluation.
			Finance	Lisa Lazzar	Yes	Via zoom or in the Depot that is ADA accessible.		
			Fund Administration	Andrea Zureick	Unknown	It is assumed that the local jurisdiction facilities we use for meetings are accessible		
			General Counsel	Julianna Tillquist	Unknown	While Board Room is disabled-accessible, I do not know if the referenced evaluation has ever been done.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	N/A			
			Management Services – Facilities	Colleen Franco	Yes	Meeting rooms all ADA compliant. . Restrooms w/I SBCTA suite are fully ADA compliant but the lobby restrooms meet exemption under historical considerations		
			Management Services – Information Technology	Matt Farokhmaneshh	Yes	The board room has a specific table section for ADA compliance		
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs – Council of Governments	Monique Reza	Yes			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No	Improved signage and automated doors are needed in the lobby. Additional evaluation is also likely needed.		
			Project Delivery - Construction	Kristi Harris	Yes			
			Project	Juan Lizarde	Yes	Yes, for Public Meetings during		

			Delivery - Design			Environmental review.		
			Procurement	Alicia Bullock	Unknown	We can add language to our public procurement meetings invites.		
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	Unknown			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	Defer to Management Services, any meetings for Transit ROW will generally occur at the SBCTA offices.		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
24	Is there a notice on all public meeting announcements that auxiliary aids and services are made available as needed for participants with disabilities?	§ 35.160 (b) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the	Clerk of Board/Support Services	Marleana Roman	Yes	Yes for Board, Policy Committees, MVSS, Joint Subcommittee, CCMTAC and PASTACC.	Same as item No. 22 above	Same as item. No. 22 above. Recommend performing evaluation.
			Finance	Lisa Lazzar	Unknown	Finance does not publish notices for meetings, they are generally small meetings with vendors and not the public.		
			Fund Administration	Andrea Zureick	Unknown	Fund Administration does not notice public meetings		
			General Counsel	Julianna Tillquist	Yes (as to Brown Act meetings); Unknown (as to others)			
			Legislative and Public Affairs	Tim Watkins	No	Project events may not all have this language.		
			Management Services – Human Resources	Colleen Franco	N/A			

		individual with a disability	Management Services – Facilities	Colleen Franco	N/A			
			Management Services – Information Technology	Matt Farokhmanesh	Unknown			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs – Council of Governments	Monique Reza	Yes			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No	I think standardized language/practice provided by support staff for agency meetings would be helpful.		
			Project Delivery - Construction	Kristi Harris	Yes			
			Project Delivery - Design	Juan Lizarde	Yes	Yes for public meetings.		
			Procurement	Alicia Bullock	No	We can add language to our public procurement meetings invites		
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	Yes	Per current SBCTA policy		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Yes			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Yes/No	For rideshare meetings we have not previously included this. If there is standard messaging we should use, we can incorporate.		
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	Defer to Public Relations		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
25	Is there a policy in place regarding maintenance of accessible features?	§ 35.133 Maintenance of Accessible Features (a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part	Clerk of Board/Support Services	Marleana Roman	Unknown		Same as item No. 22 above	Same as item. No. 22 above. Recommend performing evaluation.
			Finance	Lisa Lazzar	Unknown			
			Fund Administration	Andrea Zureick	Unknown			
			General Counsel	Julianna Tillquist	No			
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	No			
			Management Services – Facilities	Colleen Franco	No	No policy but there is practice to inspect the building to maintain the ADA features for compliance		
			Management Services – Information Technology	Matt Farokhmaneshh	Unknown			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Yes			
			Planning and Regional Programs – Council of Governments	Monique Reza	Unknown			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	Unknown			
			Project Delivery - Construction	Kristi Harris	N/A	We turn over the projects to the City or State who then become responsible for maintenance.		
			Project	Juan Lizarde	N/A	The State owns and operates all highway		

			Delivery - Design			facilities.		
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A	Not in operations doesn't apply to express lanes since we are along the freeway. Walk in center location is located at the RC city hall which is maintained by the city		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Unknown			
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	Defer to Management Services		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
26	Who provides auxiliary aids and services to people seeking accommodation under Title II?	§ 35.160 Subpart E Communications-General (b) (1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.	Clerk of Board/Support Services	Marleana Roman	Yes	Procedure 10411	Most departments indicated that they are not familiar with this requirement. Some know that Public Affairs has provided accommodations in the past. There is no policy or procedure in place.	SBCTA should write a policy and procedure to document the process for providing these accommodations. SBCTA should ensure that staff are aware of the process for providing auxiliary aids and services to people with disabilities. SBCTA should establish contracts with vendors that are able to provide these services within a short turnaround.
			Finance	Lisa Lazzar	Unknown	If required, we would work with Admin to order or acquire necessary devices or schedule for accommodations.		
			Fund Administration	Andrea Zureick	Unknown	If required, we would work with Admin to order or acquire necessary devices or schedule for accommodations.		
			General Counsel	Julianna Tillquist	Unknown			
			Legislative and Public Affairs	Tim Watkins	Yes	Public outreach is always planned for the consultant to provide these accommodations		
			Management Services – Human Resources	Colleen Franco	Unknown	Procedure 10411		

			Management Services – Facilities	Colleen Franco	Unknown	Procedure 10411		
			Management Services – Information Technology	Matt Farokhmanesh	Unknown			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Unknown			
			Planning and Regional Programs – Council of Governments	Monique Reza	Yes	Public outreach is always planned for the consultant to provide these accommodations		
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	Unknown	But I would ask Julie.		
			Project Delivery - Construction	Kristi Harris	Yes	The contractor		
			Project Delivery - Design	Juan Lizarde	Yes	SBCTA Public Outreach.		
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	N/A	Not in operations, will coordinate with TCA		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Yes			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Unknown	For rideshare, SBCTA consultants would accommodate based on the request. For vanpool, vehicle providers are responsible and is written in their contracts.		
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	Unknown	Defer to Public Affairs		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
27	Are SBCTA Staff who have public contact trained or provided guidance regarding ADA requirements for full participation of individuals with disabilities including "disability" awareness, interactions with people with disabilities, disability civil rights laws, and disability etiquette?	Best Practice	Clerk of Board/Support Services	Marleana Roman	No		SBCTA employees are generally aware and sensitive to disability issues of their own accord but they have not yet received formal training regarding disability awareness and first person contact.	Staff having public contact should be trained in "disability" awareness, interactions with people with disabilities, disability civil rights laws, and disability etiquette. A free, self- paced web course for discovering the best practices for effectively working and interacting with people who have disabilities is found at this link: https://adata.org/project/your-service- welcoming-customers-disabilities-your- one-stop-center
			Finance	Lisa Lazzar	Unknown			
			Fund Administration	Andrea Zureick	Unknown			
			General Counsel	Julianna Tillquist	Unknown	I am not aware of any such training/guidance.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management Services – Human Resources	Colleen Franco	No	No formal training beyond covering policy 10100		
			Management Services – Facilities	Colleen Franco	No	No formal training beyond covering policy 10100		
			Management Services – Information Technology	Matt Farokhmanesh	Unknown			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Unknown			
			Planning and Regional Programs – Council of Governments	Monique Reza	Unknown			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No	If there was an attempt to train me, I must have failed at multitasking and missed it.		
			Project Delivery - Construction	Kristi Harris	Yes/No	Our onsite employees/vendors are specifically told to politely refer people to either public outreach or whoever is in		

						charge at the site. But there is no specific training on etiquette regarding disability		
			Project Delivery - Design	Juan Lizarde	N/A	Typically, no public contact.		
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	No	Once in operations will coordinate with TCA		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Unknown	Nicole - Rideshare and vanpool staff that I am aware of have not been trained.		
			Transit and Rail Programs – Right-of-Way	Ryan Aschenbrenner	No	Although Transit ROW has limited interaction with the public, anyone can be forwarded to Transit ROW for Grant of Use applications or for informational purposes. Transit ROW staff have not received training/guidance in recent history.		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
28	By what means is training provided to SBCTA Staff who have public contact regarding ADA requirements for full participation of individuals with disabilities including “disability” awareness,	Best Practice	Clerk of Board/Support Services	Marleana Roman	Unknown		Same as item 27 above	Same as item 27 above
			Finance	Lisa Lazzar	Unknown			
			Fund Administration	Andrea Zureick	Unknown			
			General Counsel	Julianna Tillquist	Unknown	Not aware of any such training.		
			Legislative and Public Affairs	Tim Watkins	Unknown			
			Management	Colleen	No	No training provided		

	interactions with people with disabilities, disability civil rights laws, and disability etiquette?		Services – Human Resources	Franco				
			Management Services – Facilities	Colleen Franco	No	No training provided		
			Management Services – Information Technology	Matt Farokhmanesh	Unknown			
			Planning and Regional Programs – Air Quality and Mobility Programs	Jennifer Aguilar	Unknown			
			Planning and Regional Programs – Council of Governments	Monique Reza	Unknown			
			Planning and Regional Programs – Planning & GIS (together)	Ginger Koblasz	No			
			Project Delivery - Construction	Kristi Harris	Unknown			
			Project Delivery - Design	Juan Lizarde	Unknown			
			Procurement	Alicia Bullock	Unknown			
			Risk Management	Steven Keller	Unknown			
			Express Lanes	Philip Chu	No			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			
			Transit and Rail Programs - Multimodal Mobility Programs	Nancy Strickert	Unknown			
			Transit and	Ryan	Unknown			

			Rail Programs – Right-of-Way	Aschenbrenner				

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
29	Are maintenance staff and other staff trained to identify access and safety issues?	§ 35.133 Maintenance of Accessible Features (a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part	Management Services - Facilities	Colleen Franco	Unknown	This is a service outsourced to the Property facilities and maintenance vendor. They do include CASP reports and site inspections under their contract. Article 13. Equal Employment Opportunity includes provisions to be followed under contract for employment and contracting opportunities.	SBCTA has a safety committee and on a regular basis the safety coordinators perform a facility inspection. The ADA coordinator participates in the Safety committee meetings. The emergency procedure addresses providing assistance to people with disabilities but it could be expanded.	SBCTA should expand on the emergency procedures to cover more scenarios or different type of disabilities (including individuals with mobilize equipment). SBCTA should use: the guidance published by the EEOC regarding lawful means of identifying employees who might need assistance during an emergency due to their disability. https://www.eeoc.gov/laws/guidance/obtaining-and-using-employee-medical-information-part-emergency-evacuation-procedures. b. the US Department of Justice guidance regarding disaster management. https://www.ada.gov/emergencyprep.htm l. If other entities are contracted to provide emergency preparedness or emergency management services, formalize in agreements with those organizations their commitment to compliance with the requirements of Title II of the ADA and information provided at this link. https://www.ada.gov/pcatoolkit/chap7emergencymgmtadd1.htm
			Project Delivery - Construction	Kristi Harris	Yes	We expect construction managers and contractors to identify access and safety issues. Ideally, access and safety will be baked into the contract plans, but we need our people to recognize an inaccessible or unsafe situation		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown	Our ROW maintenance is.		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
30	Is there a system or plan in place to identify safety and access issues that can be used by maintenance staff to report and correct problems?	§ 35.133 Maintenance of Accessible Features (a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part	Management Services - Facilities	Colleen Franco	N/A	We do not employ maintenance staff. This is included in the contract with property facility and maintenance vendor. SBCTA staff who oversee the facility understand the importance of maintenance and have thus created this service contract. The use of CASP reports obtained by the property management company.	SBCTA staff is able to submit maintenance request via a building maintenance online form located in their intranet. See item no. 29 above.	See item No. 29 above.

	If yes, please attach the plan.		Project Delivery - Construction	Kristi Harris	N/A	SBCTA requires contractors to provide temporary ADA access throughout construction; and we encourage our consultants to take the online TPAR certification course.		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
31	How is access monitored during planning and construction of SBCTA projects?	§ 35.133 Maintenance of Accessible Features (a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part	Management Services - Facilities	Colleen Franco	Yes	For Santa Fe Depot specific projects it would be a factor in the scope of work.		None
			Project Delivery - Construction	Kristi Harris	Yes	It is included in the contract scope of work		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown	Maintenance of accessible and safe travel paths is within contracts and CMC services monitors		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
32	Are any SBCTA programs, services or facilities are operated from a registered historic site? If so, please list facility and if applicable: has SBCTA implemented alternative methods of achieving program	§ 35.150 Historic preservation programs and § 35.151 New Construction and Alterations A public entity shall give priority to methods that provide physical access to individuals with disabilities. A public entity is not required to alter the facility to make it accessible to individuals with disability if it destroys its historic value.	Clerk of the Board	Marleana Roman	No	Stairs to the boardroom, not sure what else. Management Services has this info.	SBCTA administrative offices (Santa Fe Depot) are located in a historic facility. Over the years, SBCTA has made some improvements to ensure ADA compliance such as bathroom remodels, automated doors.	SBCTA should perform the ADA barriers assessment to ensure compliance with ADA and help identify any other area that may prohibit accessibility to services.
			Management Services - Facilities	Colleen Franco	Yes	The Santa Fe Depot. Barriers have been remedied. Includes wheelchair lifts, automatic doors, and ADA restrooms.		

	accessibility?							

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
33	When purchase of new equipment (including but not limited to communication and transportation equipment) is made, how is it reviewed to ensure that equipment is accessible to people with disabilities?	Best Practice	Management Services - Facilities	Colleen Franco	N/A		The procurement manual does not specifically address this.	When purchasing new equipment or furniture, SBCTA should ensure that people with disabilities will receive the same level of service or the same opportunities as those without disabilities.
			Management Services – Information Technology	Matt Farokhmanesh	Yes	All computing equipment runs Microsoft Windows, which includes a number of features by default to facilitate use by persons with disabilities. Sound system ADA compliant		
			Project Delivery - Construction	Kristi Harris	N/A			
			Express Lanes	Philip Chu	N/A			
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Yes	FTA requirements are included in the solicitation, contracts and applicable technical and special provisions		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
34	6. Does SBCTA have an emergency management plan that includes needs of people with disabilities? If yes, please attach the plan. The plan shall include procedures to evacuate individuals with disabilities during an emergency.	§ 35.130(b)(1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability - Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service; Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others; Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording 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;	Management Services - Facilities	Colleen Franco	Yes	Procedure 10104 Emergency Action Plan touches on evacuation of the building and individuals with mobility impairment.	Same as item No. 29 above.	Same as item No. 29 above.
			Project Delivery - Construction	Kristi Harris	Yes	Injury and Illness Protection Plans and Safely Plans are required by the contracts.		
			Risk Management	Steven Keller	No	Procedure 10104 Emergency Action Plan is currently being modified and I will incorporate this into that plan. The current plan does not address this in a meaningful way.		
			Transit and Rail Programs – Capital Projects	Joy Buenaflor	Unknown			

		Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others; Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program; Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service						

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
35	Has SBCTA used the guidance published by the EEOC regarding lawful means of identifying employees who might need assistance during an emergency due to their disability?	Best Practice	Management Services - Human Resources	Colleen Franco	No			

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36	Are visual and audible warning signals installed in SBCTA facilities and buildings to notify all members of the public including individuals with disabilities?	§ 35.130(d) A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities	Management Services - Facilities	Colleen Franco	Yes	Fire alarm systems both visual and audible		

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37	Has emergency management staff in all facilities been trained regarding variety of events that might occur and impact people with disabilities?	Best Practice	Management Services - Facilities	Colleen Franco	Yes	Done by Risk Manager in review of Policy and Procedure 10104 – Emergency Action Plan.		
			Risk Management	Steven Keller	Yes	In our emergency response training, we touch on people with disabilities. We have purchasied slides and train on their use annually.		

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38	Does SBCTA use the US Department of Justice guidance regarding disaster management? This can be located at ADA.gov.	Best Practice	Risk Management	Steven Keller	No	We are exploring this.		

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39	Is the SBCTA ADA coordinator involved in the emergency plan creation, drills, and debriefings?	Best Practice	Risk Management	Steven Keller	Yes	Colleen (and her staff) is on the Safety Committee, and participate in all planning, and drills.		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
40	Please share all accessibility policies, procedures and guidelines, verbal or written that you have in place. Please attach a copy.							

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
41	Do employment practices comply with all applicable nondiscrimination requirements, including section 504 of the Rehabilitation Act and the ADA regulation issued by the Equal Employment Opportunity Commission?	§ 35.140 Employment discrimination prohibited. No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity. (b) For purposes of this part, the requirements of title I of the Act, as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of	Management Services - Human Resources	Colleen Franco	Yes	We have policy and postings on job site.	It appears that SBCTA employment practices are not deemed discriminatory against people with disabilities. Possible additional training or information could be provided to the interview panel members on disability awareness and interactions with people having disabilities.	None

		title I. For the purposes of this part, the requirements of section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or activity conducted by a public entity if that public entity is not also subject to the jurisdiction of title I.						

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
42	Are the interview/selection panel members trained regarding disability awareness and interactions with people with disabilities?	Best Practice	Management Services - Human Resources	Colleen Franco	Yes	Interview packets contain the Conducting Hiring Interviews document. The document includes “Never OK to ask About” topics such as Sexual preference, practices, or orientation, race and national origin and feelings about sex, race and national origin. Also includes not asking pregnancy questions, age, marital status, and religion and health status.	SBCTA’s employment practices are not deemed discriminatory against people with disabilities. Interview/selection panel members follow the SBCTA Interviewing Guide which addresses “Health status” but does not include details regarding disability awareness and interactions with people having disabilities.	SBCTA should write a procedure or a policy and post it to document how accommodations will be made for people with disabilities

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43	Is reasonable accommodation offered, as needed for people with disabilities during interview/selection?	§ 35.130(b)(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. A public entity is not required to provide a reasonable modification to an individual who meets the definition of “disability” solely under the “regarded as” prong of the definition of “disability” at § 35.108(a)(1)(iii)	Management Services - Human Resources	Colleen Franco	Yes	Process to request accommodation documented on employment webpage..	Included on website where details of job availability is provided.	

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44	Who provides reasonable accommodations to applicants and employees under ADA Title I and II regulations and CA Government Code12926? Please include Name, Position, and Contact information.	§ 35.130(b)(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. A public entity is not required to provide a reasonable modification to an individual who meets the definition of "disability" solely under the "regarded as" prong of the definition of "disability" at § 35.108(a)(1)(iii)	Management Services - Human Resources	Colleen Franco	Yes	Colleen Franco, Director of Management Services 909-884-8276, cfranco@gosbcta.com	none	none

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
45	Please share all accessibility policies, procedures and guidelines, verbal or written that you have in place. Please attach a copy.		Management Services - Human Resources	Colleen Franco		SBCTA Depot Post Orders Policy 10100, Equal Employment Opportunity Policy 10101, Discrimination, Harassment, Retaliation Conducting Hiring Interviews Procedure 10104, Emergency Action Plan Policy 11000 Contracting and Procurement		

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
46	Is there an anti-disability harassment policy? If yes, provide copy of	§ 35.101 Purpose. The purpose of this part is to implement subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as amended by the ADA Amendments Act of 2008	Management Services - Human Resources	Colleen Franco	Yes	Policy 10101, Discrimination, Harassment and Retaliation - https://portal.sanbag.ca.gov/mgmt/Intranet/pppersonnel/Policy/Policy10101.docx?web=1	none	none

	the policy.	(ADA Amendments Act) (Pub. L. 110-325, 122 Stat. 3553 (2008)), which prohibits discrimination on the basis of disability by public entities. Broad coverage. The primary purpose of the ADA Amendments Act is to make it easier for people with disabilities to obtain protection under the ADA. Consistent with the ADA Amendments Act's purpose of reinstating a broad scope of protection under the ADA, the definition of "disability" in this part shall be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA. The primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations and whether discrimination has occurred, not whether the individual meets the definition of "disability." The question of whether an individual meets the definition of "disability" under this part should not demand extensive analysis						

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	YES/ NO/ UNKNOWN / N/A	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
47	Does SBCTA have a policy in place that prohibits discrimination against people who formerly used drugs	§ 35.131 Illegal use of drugs General. Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs. A public entity shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who— Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully; Is participating in a supervised rehabilitation program; or Is erroneously regarded as engaging in such use. Health and drug rehabilitation services. A public entity shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.	Management Services - Human Resources	Colleen Franco	Unknown	We have policy 10103, Drug and Alcohol Free Workplace https://portal.sanbag.ca.gov/mgmt/Intranet/pppersonnel/Policy/Policy10103.docx . Its focus is on drug use or procession while on the job and does not reference use of illegal drug use outside of work in the past or present. Could it be inferred in Policy 10101, Discrimination, Harassment and Retaliation - https://portal.sanbag.ca.gov/mgmt/Intranet/pppersonnel/Policy/Policy10101.docx?web=1? I. POLICY In keeping with its commitment to providing a work environment that is free of discrimination, harassment and retaliation	The policies do not clearly state nondiscrimination against people involved in former use of illegal drugs.	SBCTA should create a policy or update the existing policies to indicate that discrimination against former users of drugs is illegal and the policy must complies with 28 CFR 35.131 (2) https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-B/section-35.131

		A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program. Drug testing. This part does not prohibit a public entity from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs. Nothing in paragraph (c) of this section shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs illegally as opposed to individuals who are currently engaged in illegal use of drugs? If yes, provide copy of the policy.				(refer to Policy 10100, Equal Employment Opportunity), SBCTA maintains a policy prohibiting unlawful discrimination, harassment, and retaliation in any form by officials, employees, and non-employees (vendors, contractors, etc.) because of an individual's protected classification, including age (40 and above), ancestry, color, disability (mental and physical), marital status, national origin, medical condition, genetic information, , race, religious creed, sex, sexual orientation, gender, gender identity, gender expression, military and veteran status or any other basis protected by law. This policy prohibits discrimination, harassment or retaliation because: 1) of an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification. This policy also prohibits discrimination, harassment, or retaliation because of an individual's protected activity. Employees who violate this policy are subject to appropriate disciplinary action.		