



ADA Self-Evaluation and Transition Plan

City of Santa Clara

AUGUST 2024

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Executive Summary

The City of Santa Clara's Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (the Plan) supports the City in fulfilling the requirements set forth in Title II of the ADA. The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. The Plan will assist the City in identifying policy, program, and physical barriers to accessibility and guide the City in developing barrier removal solutions to facilitate the opportunity of access to all individuals.

ADA Coordination and Management

The ADA requires the City to designate at least one employee responsible for overseeing the Plan's implementation, often referred to as the ADA Coordinator. The ADA Coordinator is responsible for coordinating and developing the City's efforts to comply with ADA Title II, investigating any accessibility-related complaints, and monitoring and implementing the ADA Self-Evaluation and Transition Plan. The City is required to identify the employee or employees responsible for compliance and Plan implementation and make available the name, office address, and telephone number of the employee or employees designated.¹

The City has had an ADA Coordinator designation in place since the early 1990's consistent with the requirements of the ADA. The designation of ADA Coordinator was assigned by the City Manager to the position of Director of Public Works who has historically served in the designation up to and through the preparation of this Plan².

Under this Plan and moving forward, the City will continue to designate an ADA Coordinator responsible for coordinating efforts and carrying out responsibilities under the ADA as follows:

Name:	ADA Coordinator
Office Address:	1500 Warburton Avenue Santa Clara, California 95050
Telephone Number:	(408) 615-3000
Email:	ADACoordinator@SantaClaraCA.gov

Although the Director of Public Works currently serves as the ADA Coordinator, based upon the dynamic nature of City policies, practices, and procedures, the City will periodically review the assignment of the ADA Coordinator designation with respect to the various positions, duties, and departments within the City's organization and the City Service and may implement any assignments or changes to assignments of the ADA Coordinator designation, or similar designations, to position(s) that the City deems beneficial towards effectively administering the

¹ DOJ, Title II Regulations Subpart A § 35.107 Designation of responsible employee and adoption of grievance procedures

² City of Santa Clara, City Council Agenda Report, "[Public Hearing: ADA Public Services Self-Evaluation/Transition Plan.](#)" September 29, 1992.

City's duties under the ADA. The current contact information will be made available to the public any such time that there are changes to the assignment(s) of the ADA Coordinator designation or similar designations or if any other administrative modifications are implemented.

Involving People with Disabilities

As required by the ADA, the City of Santa Clara has involved people with disabilities by engaging the standing ADA Committee on March 14, 2019, at the start of the planning process and hosted a community outreach event on April 11, 2019, to solicit feedback for incorporation into the Plan. The ADA Committee was also provided an update on the status of the development of this Plan at a meeting in spring 2023. The City distributed a Public Review Draft Plan for public comments from October 11, 2023 through November 17, 2023 along with hosting a community outreach event on November 1, 2023. The draft Plan was also presented to the Senior Advisory Commission on November 27, 2023, the Bicycle and Pedestrian Advisory Committee on January 23, 2024, and the ADA Committee on February 15, 2024. Following the public comment, outreach, and commission and committee efforts, the draft Plan was presented at the April 9, 2024 City Council meeting as a study session for additional opportunity for the Council or members of the public to provide input or comments on the Plan.

Accessibility of City Programs, Activities, and Services

Title II of the ADA emphasizes the accessibility of programs, activities, and services. The Plan addresses these issues by providing recommendations based on a comprehensive review of current practices, policies, plans, guidelines, and public right-of-way construction standards. This process included every department and program that provides services to the public. Based on this review, recommendations were developed to remove programmatic and policy barriers and ensure the accessibility of City programs, activities, and services. The action steps listed below summarize the comprehensive set of recommendations the City can undertake to continue to work towards accessibility. The specific recommendations for each item are found in section 2. *Self-Evaluation* of this document:

- Provide information about the accessibility of facilities where City programs, activities, and services are provided.
- Provide information about requesting program modifications, alternative formats of materials, auxiliary aids, and accessible services.
- Ensure that City events, programs, and services are accessible to people with disabilities. This includes events, programs, and services offered directly by the City and offerings on behalf of the City by non-City organizations.
- Post information about the ADA grievance procedure in City offices and department websites.
- Increase outreach with people with disabilities and the organizations that serve them to increase participation and inclusion in City programs.
- Ensure that staff training incorporates information about interacting with and assisting people with disabilities.

- Ensure consistency across departments, divisions, and programs in implementing ADA program requests, tracking complaints and comments, and following grievance procedures.
- Continue to develop an organizational culture that prioritizes and promotes accessibility across all City departments and functions.

Accessibility of City Facilities and Rights-of-Ways

When relocating programs, activities, and services to accessible locations or providing auxiliary aids and services is not feasible, the ADA requires the City to complete a transition plan describing the physical modifications to facilities that will support accessible programs, activities, and services. The City's transition plan is the result of a detailed evaluation, using current accessibility standards, of all City buildings, parks, and right-of-way facilities where programs, activities, and services are available to the public. The City will accomplish barrier removal at its facilities through policy and procedure modifications to remove programmatic barriers or maintenance and construction projects to remove structural barriers.

Title II regulations state that if a transition plan will take more than one year to fully implement, it must contain interim steps to provide program accessibility. This Plan implements a strategy of removing barriers at facilities and the public right-of-way for the next 10 years, with a re-evaluation after 10 years to guide barrier removals in the subsequent years. This Plan also provides a framework for the continuous improvement of facilities for people with disabilities.

Moving Forward

The Plan provides a foundation for removing barriers to programs and facilities offered by the City. It provides recommendations for the removal of programmatic and facility barriers, establishes a timeline for mitigation of architectural barriers, and has consulted with people with disabilities in the planning process.

List of Acronyms

The following acronyms are used throughout this document:

ABA – Architectural Barriers Act

ADA – Americans with Disabilities Act

ADAAG – Americans with Disabilities Act Accessibility Guidelines

ASL – American Sign Language

CBC – California Building Standards Code, Title 24

CFR – Code of Federal Regulations

DOJ – Department of Justice

MEF – Maximum Extent Feasible

MUTCD – Manual on Uniform Traffic Control Devices

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

Acknowledgments

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1 Introduction

The ADA Self-Evaluation and Transition Plan (Plan) will support the City of Santa Clara in fulfilling the requirements set forth in Title II of the ADA. The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. The Plan assists the City in identifying policy, program, and physical barriers to accessibility and guides the City in developing barrier removal solutions.

1.1 Legislative Mandate

The ADA is a comprehensive civil rights law that provides protection for persons with disabilities against discrimination in both employment and the provision of goods and services. The ADA was passed by Congress on July 26, 1990, and states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to ensure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. Title II of the ADA covers programs, activities, and services of state and local governments. Under the requirements of the ADA,

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.³

The U.S. Department of Justice (DOJ) published revised regulations for Titles II and III of the ADA in the Federal Register on September 15, 2010. These regulations adopted enforceable updated accessibility standards called the 2010 ADA Standards for Accessible Design (2010 Standards). On March 15, 2012, compliance with the 2010 Standards was required for new construction and alterations under Titles II and III, and for using the 2010 Standards for program accessibility and barrier removal.

Further, Title II of the ADA provides that public entities must identify and evaluate all programs, activities, and services and review all policies, practices, and procedures that govern the administration of the entity's programs, activities, and services.⁴

Application of Regulations

The City, as a public entity that provides public programs and facilities, is subject to the ADA's Title II Requirements for State and Local Government Programs and Services. All public agencies, regardless of size, are required to complete an ADA self-evaluation plan and provide public notice of the ADA's provisions. Public agencies (such as Santa Clara) must complete a self-evaluation, and those entities that employ 50 or more persons are required to complete an ADA self-evaluation and transition plan, identify an employee or employees responsible for the

³ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

⁴ DOJ, Title II Regulations Subpart A § 35.105 Self-evaluation

implementation of the plan, often referred to as the ADA Coordinator, and develop and publish notice and grievance procedures to provide a fair and prompt resolution of accessibility complaints as part of its plan⁵.

1.2 Accessible Programs and Facilities

As a Title II agency, the City is responsible for the provision of accessible programs and facilities that are available without discrimination toward people with disabilities. A fundamental tenet of Title II of the ADA is *“the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services.”*⁶

This principle, here referred to as program accessibility, is described in 28 CFR § 35.149-35.150 and summarized on ADA Title II Technical Assistance Manual II-5.1000 General.

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as *program accessibility*, applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible.

Maintaining Accessible Facilities

In addition to providing programmatic access, the City is obligated to maintain all accessible facilities in working order. Exceptions are provided for temporary disruptions. The ADA contains the following language regarding the maintenance of accessible features:

Public entities must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited.

Where a public entity must provide an accessible route, the route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, or potted plants. An isolated instance of placement of an object on an accessible route, however, would not be a violation, if the object is promptly removed. Similarly, accessible doors must be unlocked when the public entity is open for business.

*Mechanical failures in equipment such as elevators or automatic doors will occur from time to time. The obligation to ensure that facilities are readily accessible to and usable by individuals with disabilities would be violated, if repairs are not made promptly or if improper or inadequate maintenance causes repeated and persistent failures.*⁷

⁵ 28 CFR § 35.107 - Designation of responsible employee and adoption of grievance procedures.

⁶ 28 CFR § 35.130-35.135. ADA Title II Technical Assistance Manual II-3.3000 Equality in participation/ benefits

⁷ ADA Title II Technical Assistance Manual II-3.10000

The California Building Code (CBC) contains the following language regarding the maintenance of accessible features.

A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and useable by persons with disabilities. Isolated or temporary interruptions in service or accessibility due to maintenance or repairs shall be permitted.⁸

1.3 Discrimination and Accessibility

The absence of discrimination involves both physical and program accessibility. Physical accessibility means that a facility is free of physical barriers that restrict people from receiving a program or service at that facility. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Program accessibility means that individuals with disabilities are provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. It includes physical accessibility, but also entails all the policies, practices, and procedures that permit people with disabilities to participate in programs and access important information.

Each City service, program, or activity, when viewed in its entirety, must be readily accessible to and usable by individuals with disabilities. Accessibility includes advertisement, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids and services, transportation, policies, and communication. Program accessibility may be achieved through either structural or non-structural methods.

The City of Santa Clara may achieve program accessibility through several methods:

- Alteration of an existing facility;
- Acquisition or redesign of equipment;
- Assignment of aids to beneficiaries; and/or
- Provision of services at alternate sites.

When choosing a method of providing program access, the City is required to prioritize the method that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities.

⁸ 2019 California Access Compliance Advisory Reference Manual, Division of the State Architect, 11B-108

1.4 ADA Self-Evaluation Process

Programs, activities, and services offered by the City to the public must be accessible to people with and without disabilities. Accessibility applies to all aspects of programs or services provided by the City. The ADA self-evaluation for programmatic access identifies and makes recommendations to correct policies and practices that are inconsistent with Title II regulations and result in limitations to access for people with disabilities. As part of the self-evaluation process, the City:

- Identifies City programs, activities, and services;
- Reviews the policies, practices, and procedures that govern the administration of the City's programs, activities, and services;
- Provides an opportunity for public comment;
- Makes the report available to the public; and
- Will correct any programs, activities, and services that are not consistent with the regulations.

In 2019, the City evaluated its policies, programs, and procedures to determine current levels of service and the extent to which its policies and programs created barriers to accessibility for people with disabilities. Recommended actions for City programs, activities, and services can be found in Section 2 of this Plan.

1.5 ADA Transition Plan Process

The ADA transition plan is a document that outlines a strategy for the City to progress toward compliance with the applicable accessibility standards. The transition plan identifies barriers for people with disabilities and a schedule to remove those barriers over time. The City's transition plan must include:

- A list of barriers in City facilities that limit the accessibility of programs, activities, or services to individuals with disabilities;
- A detailed outline of feasible methods to remove these barriers and make the facilities accessible;
- A schedule for taking the necessary steps to remove barriers to accessibility,
- The opportunity for the public to provide comment on the Plan; and
- The name of the individual responsible for the Plan's implementation.

In 2019, the City conducted a physical audit of facilities and the public right-of-way to locate barriers to access and to identify recommendations and alterations to meet state and federal accessibility standards. The City's Transition Plan can be found in Section 3 of this Plan.

1.6 Members of the Public Consulted During the Plan

A public entity is required to accept comments from the public on its ADA self-evaluation and transition plan and is encouraged to consult with individuals with disabilities and organizations that represent them to assist in the process. Many individuals with disabilities have unique perspectives on a public entity's programs, activities, and services.

The City consulted the standing ADA Committee and held a community outreach event in the spring of 2019 to introduce the project and receive feedback on the development of the Plan. The ADA Committee was also provided an update on the status of the development of this Plan at a meeting in spring 2023.

The City distributed a Public Review Draft Plan for public comments from October 11, 2023 through November 17, 2023 along with hosting a community outreach event on November 1, 2023. The draft Plan was also presented to the Senior Advisory Commission on November 27, 2023, the Bicycle and Pedestrian Advisory Committee on January 23, 2024, and the ADA Committee on February 15, 2024. Following the public comment, outreach, and commission and committee efforts, the draft Plan was presented at the April 9, 2024 City Council meeting as a study session for additional opportunity for the Council or members of the public to provide input or comments on the Plan.

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2 Self-Evaluation

Under the ADA, all programs, activities, and services offered to the public by the City of Santa Clara must be accessible for people with and without disabilities. Accessibility applies to all aspects of a program or service. Under Title II, public entities are required to periodically evaluate their programs, activities, and services. The self-evaluation process identifies barriers and makes recommendations to correct policies and practices that are inconsistent with Title II regulations and result in limitations to access for people with disabilities.

The City of Santa Clara's evaluation included four elements: a staff questionnaire, a review of City policies and programs, a review of the City's standards details and specifications for construction in the public right-of-way, and physical audits of facilities and the public right-of-way to locate barriers to access. The self-evaluation process identified barriers and provided a mechanism for developing strategies and recommendations to improve policies and practices that are inconsistent with Title II regulations and result in limitations to access for people with disabilities. This section summarizes the outcomes of this effort.

Levi's Stadium

In 2016, a class action lawsuit was filed against the City of Santa Clara, the Santa Clara Stadium Authority, and various 49ers entities (including the Management Company and the Stadium Company) alleging that the stadium, its parking lots, and the surrounding public rights-of-way contained accessibility defects. The case was settled in 2019. The settlement requires that the City of Santa Clara and the Santa Clara Stadium Authority remediate specific areas within the public right-of-way, while other remedial work at the stadium facility and parking lots falls outside the scope of the City's obligations.

The evaluation conducted under this Plan does not include the stadium, stadium site, or its main or satellite parking lots. The physical audits of the public right-of-way completed under this Plan were performed independent from and without consideration of the litigation.

The alleged barriers to accessibility and their associated mitigations identified in the settlement agreement are incorporated by reference into this Plan insofar as they relate to being a program, service, or activity of the City of Santa Clara. Remediations performed or expected to be performed by the City of Santa Clara in the public right-of-way surrounding Levi's Stadium are more thoroughly addressed in the settlement agreement.

2.1 Programmatic Modifications

The ADA Coordinator, or designee, will follow up with each department to review the recommendations contained in this section. In those situations where a policy, program, or procedure creates a barrier to accessibility that is unique to a department or a certain program, the ADA Coordinator, or designee, will coordinate with the department to address the removal of the barrier in the most reasonable and accommodating manner in accordance with applicable law.

2.2 Staff Questionnaire and Policy Review Summary

A program accessibility questionnaire was administered to City staff in 2019. The questionnaire highlighted areas where the City is effectively meeting the needs of people with disabilities while also identifying gaps in City practices. A complementary evaluation of the City's services, policies, and practices was done during the same period. This review included the City Code, policies and administrative rules, public documents, forms, and applications, as well as a wide range of the City's programmatic offerings.⁹

The results of the analysis serve as a basis for implementation of specific improvements for providing access to City programs as required by the ADA. A draft self-evaluation summary report prepared during the development of this self-evaluation summarizes the results of the questionnaire and policy review and is incorporated into a self-evaluation excel workbook identifying the review of services, policies, and practices noting the existing conditions and barrier removal recommendations for providing access to City programs. The self-evaluation workbook is intended to be a working document for use by City to implement improvements and will be maintained by the ADA Coordinator, or designee, during implementation of this Plan.

The self-evaluation is organized into the following categories based on the requirements of Title II of the ADA, in the order they appeared in the questionnaire:

- Customer Service Practices
- Staff Training
- Contracting, Licensing, or Other Arrangements
- Public Meetings
- Program Participation
- Transportation Services
- Tours and Trips
- Accessible, Adaptive Equipment Used by the Public
- Printed Materials
- Website Accessibility
- Televised and Audiovisual Information
- Telecommunications
- Emergency Planning
- Notice, Grievance, and Complaint Procedure
- Facilities

⁹ As part of its ongoing accessibility efforts, the City is responsible for periodic self-evaluations to ensure continued compliance with the ADA, particularly as conditions change.

Required actions are listed based on the ADA legislation for accessibility. Some actions are always required, such as posting a notice of nondiscrimination, while other actions are only required when requested, such as providing alternative formats like large print agendas. In many cases, the City has many alternatives in selecting methods for providing accessible programs, activities, and services. Potential strategies for implementation are also provided to help ensure requirements are met. Where applicable, links are provided to the DOJ www.ADA.gov online best practices tool kit.¹⁰

¹⁰ “The Tool Kit should be considered a helpful supplement to – not a replacement for – the regulations and technical assistance materials that provide more extensive discussions of ADA requirements. It also does not replace the professional advice or guidance that an architect or attorney knowledgeable in ADA requirements can provide.” For the full “Best Practices Tool Kit for State and Local Governments,” see <https://www.ada.gov/pcatoolkit/toolkitmain.htm>.

Customer Service Practices

In-person interaction with the public is one of the primary functions of many City departments. To meet ADA standards for these interactions, staff should be aware of the formal and informal procedures for assisting people with disabilities, including appropriate responses to requests for program modifications and guidelines for accommodating service animals.¹¹

Required Actions

1. Make appropriate modifications to regular practices to accommodate the needs of individuals with disabilities when providing customer service.¹²
2. Continue the policy of not charging an additional fee to people requesting a program modification due to their disability.¹²
3. Continue the policy of allowing service animals in City facilities.¹³
4. Make reasonable modifications for people with disabilities who rely on a miniature horse that is individually trained to assist them.¹⁴

Implementation Strategies

- Develop and disseminate best practice resources for staff to formalize the City's approach to addressing accessibility concerns.
- Ensure that staff members are aware of the City's policy regarding service animals and are trained to appropriately implement this policy.
- Develop a process for determining reasonable modifications as they are requested by people with disabilities. The process should address the following considerations:
 - Ensure the public has easy access to information about how to make a request for modifications and understands who to contact.
 - Ensure all staff can direct a person making a request to the appropriate staff member.
 - Ensure requests can be accepted from someone on behalf of the person with a disability and are not required to be in writing.
 - Ensure that requests and outcomes are tracked.

¹¹ Only dogs are recognized as service animals under Title II of the ADA. In limited cases, miniature horses that are individually trained to perform tasks for people with disabilities may also qualify to provide services. Emotional support, therapy, comfort, or companion animals are not considered service animals under the ADA.

¹² DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

¹³ DOJ, Title II Regulations Subpart B § 35.136 Service animals

¹⁴ DOJ, Title II Regulations Subpart B § 35.136(i) Miniature horses

Staff Training

As a part of the City's on-going staff development and training, the incorporation of disabilities awareness, standards, and resources are encouraged for all staff interfacing with the public or who maintain the facilities used by the public.

Required Actions

1. Ensure that City staff is knowledgeable about obligations, policies, and procedures for providing accessible programs, activities, and services to the public.¹⁵
2. Ensure that City staff is knowledgeable about procedures for responding to requests for modifications.¹⁵
3. Ensure that City staff is knowledgeable about construction and maintenance of accessible facilities.¹⁶

Implementation Strategies

- Provide all City staff with ongoing awareness and sensitivity training.
- Develop a comprehensive disability access training program. Educate City staff about their responsibilities under the ADA. The City's ADA Coordinator or department supervisors should be responsible for ensuring that staff members receive training. Staff members who have contact with the public should receive additional training about the process of providing modifications and assistive devices to make their programs, activities, and services accessible. Ensure that training also includes information about responding to a variety of disabilities and the availability of program-specific adaptations, assistive devices, and modifications.
- Develop standard guidelines for training materials. These guidelines should include standard language that appropriately describe the City's policy on inclusion and nondiscrimination. Staff members should receive training in using the guidelines effectively.
- Offer training to staff members that have contact with the public and wish to learn basic ASL communication skills. Training should emphasize basic communication and should not be viewed as a substitute for utilizing qualified ASL interpreters when requested.
- Train maintenance staff regarding accessibility compliance and building codes to maintain facilities in an accessible condition.

¹⁵ DOJ, Title II Regulations Subpart E § 35.160 General; Subpart B § 35.130 General prohibitions against discrimination

¹⁶ DOJ, Title II Regulations Subpart B § 35.133 Maintenance of accessible features

Contracting, Licensing, or Other Arrangements

Many public agencies rely on the use of contractors, licensees, consultants, and other entities for the delivery of services. These entities are considered an extension of the City's services and are required to adhere to the same ADA regulations as the City.

Required Actions

1. Ensure that contractors, licensees, consultants, and other entities providing or delivering services for the City adhere to the same ADA regulations as the City.¹⁷
2. Ensure the City selects procurement contractors using criteria that does not discriminate on the basis of disability.¹⁷
3. Maintain City facilities to ensure events held by public and private organizations are accessible.¹⁸

Implementation Strategies

- Ensure contractors, licensees, and other entities providing services to the public are aware of their obligation to make City programs and activities accessible. Provide checklists, resources, contractual language, or other means to help them understand and meet their obligations.
- Monitor public programs and activities provided by contractors, licensees, and other entities to ensure continued accessibility. Provide staff with resources for conducting this review.
- Inform organizations that coordinate or sponsor events at City facilities of applicable ADA requirements.

¹⁷ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

¹⁸ DOJ, Title II Regulations Subpart B § 35.133 Maintenance of accessible features

Public Meetings

Public meetings are a regular occurrence for public agencies. The main objective of any public meeting is to impart and solicit information on issues of importance to the agency. Where these meetings are held is an important consideration under the requirements of the ADA.

Required Actions

1. Ensure that public meetings are held in accessible facilities.¹⁹
2. Provide agendas and other meeting materials in alternative formats upon request.¹⁹
3. Provide flexibility in the time limit on speaking for individuals with communication difficulties.¹⁹
4. Ensure that assistive listening devices are available for public meetings where the sound at the meeting is amplified.²⁰

Implementation Strategies

- Ensure a consistent advanced notice requirement and communicate this to both staff and the public.
- Display a notice on meeting agendas and/or web pages providing agendas and other meeting materials, indicating the availability of alternative formats of meeting materials and other elements of meeting participation.
- Prepare a list of accessible meeting spaces to facilitate the scheduling of meetings or the relocation of meetings as needed upon request.
- Move disability-related agenda items to the beginning of agendas when possible. Some people with disabilities are unable to stay late at meetings because they use transit, have fixed schedules, and/or rely on personal care attendants.
- Maintain a list of on-call ASL interpreters who can attend meetings upon request to assist individuals who are deaf or have hearing loss.
- Develop a checklist and provide instruction to staff on ensuring the accessibility of meetings. Guidelines should include examples of the types of modification requests that may be made by people with different types of disabilities, including assistive listening systems, sign language interpreters, readers, descriptive services, and other assistive technologies like real-time captioning. Other considerations include the layout of the room and locations of sign-in and refreshments tables, bathrooms, and other elements to ensure these features are accessible.
- Assign a member of staff as a greeter at public meetings and events. Identify this person as a resource for people who may require assistance.

¹⁹ DOJ, Title II Regulations Subpart E § 35.160 General

²⁰ DOJ, Title II Regulations Subpart E § 35.160 General; 2010 Standards 219.2 Required Systems

Program Participation

The public must be able to access all programs, services, and activities, regardless of disability, unless a modification would result in a fundamental alteration to the nature of a program, service, or activity or impose undue financial and administrative burdens.²¹ Admission criteria, ability to complete forms, and participation in interviews must be available to all members of the public by providing reasonable accommodations.

Required Actions

1. Provide reasonable modifications to program participants with disabilities to include them in regular programs to the maximum extent possible. Do not require the use of different or separate aids, benefits, or services, even if they are as effective as those provided to other individuals.²²
2. Modify standard policies, practices, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of the program, result in an undue financial or administrative burden, or create a hazardous situation for the participant or others.²²
3. Ensure that when the City determines it is necessary to exclude or limit the participation of people with disabilities to ensure the safe operation of programs or services, it bases those determinations on real risks, not on speculation, stereotypes, or generalizations.²²
4. Ensure that when interviews are required for program participation, they are held in an accessible location and that alternative formats or auxiliary aids are provided upon request.²³
5. Ensure that surcharges are not placed on people with disabilities to cover the costs of aids, modifications, or program accessibility.²²
6. Provide accessible seating, including three companion seats when available at the time of purchase, at ticketed events at City facilities.²⁴
7. Provide opportunities to purchase and resell tickets for accessible seating in the same manner and circumstances as non-accessible seating for events at City facilities.²⁵
8. Provide information about the availability, features, and locations of accessible seating at ticketed events at City facilities.²⁶
9. Ensure that accessible seating is not set at a higher price than other tickets in the same seating section for the same ticketed event or series of events at City facilities.²⁷

²¹ DOJ, Title II Regulations Subpart E § 35.164 Duties

²² DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

²³ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination; Subpart E § 35.160 General

²⁴ DOJ, Title II Regulations Subpart B § 35.138(d) Purchasing multiple tickets

²⁵ DOJ, Title II Regulations Subpart B § 35.138 Ticketing

²⁶ DOJ, Title II Regulations Subpart B § 35.138(b) Identification of available accessible seating

²⁷ DOJ, Title II Regulations Subpart B § 35.138(c) Ticket prices

Implementation Strategies

- Increase outreach to people with disabilities and the organizations that serve them to ensure program accessibility. The City should also inform the public of the possible modifications that can be provided to make programs, activities, and services accessible.
- Include a nondiscrimination statement and notice of alternative formats on application or registration forms.
- Periodically review program eligibility requirements to proactively ensure accessibility. Develop strategies for modifications as appropriate.
- Review requirements of City volunteer programs to ensure that people with disabilities are included to the maximum extent possible.
- Review policies and practices for ticketed events at City venues with fixed seating. Ensure relevant staff are aware of their obligations at these events and facilities.

Transportation Services

Many public agencies provide public transportation services. The public accommodation standards for these services are set forth by the Federal Transit Administration.²⁸

Required Actions

1. Make reasonable modifications in policies, practices, or procedures for transportation programs when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to services.²⁹

Implementation Strategies

- Periodically review transportation programs to proactively ensure accessibility. Develop strategies for modifications as appropriate.

²⁸ Title 49, Subtitle A, Part 38 - Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles. See specifications for transportation vehicles at <https://www.ecfr.gov/current/title-49/subtitle-A/part-38>

²⁹ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination; Title 49, Subtitle A, § 38.1 Purpose

Tours and Trips

Many public agencies provide or facilitate tours and trips as part of their service. These tours and trips are subject to Title II regulations. The public agency is responsible for ensuring that the tour can be experienced by people with disabilities, by making modifications upon request.

Required Actions

1. Modify tours and trips upon request to enable people with disabilities to participate.³⁰

Implementation Strategies

- Incorporate opportunities to request accessibility modifications in registration materials for tours or trips.
- Provide information to participants in advance of a tour or trip regarding the destination, transportation method, and other characteristics of the activity so that informed requests for modifications can be made.
- Evaluate the destination of tours or trips and the means of transportation to determine accessibility and any modifications that may be required. If a tour route or a portion of a route is inaccessible and modifications are requested, reroute the tour or provide program modifications that will allow the tour to be experienced (e.g., photographs, videos with closed captioning).

³⁰ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

Accessible, Adaptive Equipment Used by the Public

Adaptive aids are devices, controls, appliances, or items that make it possible for persons with disabilities to improve their ability to function independently and participate in programs, services, and activities offered by the City.³¹ For example, a pen, note pad, and clip board provided to a person who is deaf, hard of hearing, or a person with a speech disability to write notes for brief communication or electronic equipment such as an accessible computer station are considered adaptive equipment.

Required Actions

1. Provide and maintain, in working order, accessible equipment for people with disabilities when equipment is provided to the public.³²
2. Make reasonable modifications to avoid discrimination on the basis of disability unless the modifications would fundamentally alter the nature of the program, activity, or service.³³
3. Provide appropriate auxiliary aids and services in a timely manner, giving primary consideration to the requests of individuals with disabilities.³⁴

Implementation Strategies

- Review equipment provided by the City for use by the public, such as computers, copy machines, telephones, etc. to identify potential barriers to accessibility and corresponding solutions.
- Collaborate with community organizations that serve people with disabilities to develop and maintain a resource list of assistive technology and accessible equipment.
- Establish and maintain a toolkit of adaptive aids and resources for staff who interact with the public. Include information about both onsite and contracted services.
- Include accessibility as a criterion for purchasing equipment such as furniture, site furnishings, and office systems. Whenever possible, evaluate furniture and building material purchases for compatibility with a wide range of disabilities and sensitivities.

³¹ See <https://www.ada.gov/pcatoolkit/chap1toolkit.htm>.

³² DOJ, Title II Regulations Subpart B § 35.133 Maintenance of accessible features

³³ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

³⁴ DOJ, Title II Regulations Subpart E § 35.160 General

Printed Materials

To meet the ADA's communication standards, City departments must be able to provide information, when requested, in alternative formats such as using easy-to-understand language, braille, large-print format, audiotape or CD, computer media, or other formats as requested.³⁵

Required Actions

1. Ensure alternative formats to printed and online information is made available upon request, addressing each request on an individual basis.³⁶
2. Ensure assistance is provided upon request in filling out forms when alternative formats are unavailable or infeasible.³⁷
3. Ensure that costs for alternative formats and modifications are not assigned to the person with a disability making the request.³⁷

Implementation Strategies

- Include a notice on public materials printed by the City, similar to the following:
This publication can be made available in alternative formats, such as large print, braille, or electronic format. Requests can be made by calling the ADA Coordinator at (408) 615-3000, by email at ADACoordinator@SantaClaraCA.gov, or at 1500 Warburton Avenue, Santa Clara, CA 95050. Please allow 72 hours for your request to be processed.
- Train staff to provide printed and online information in alternative formats for people with various disabilities to ensure that requests are handled in a uniform and consistent manner. Incorporate strategies for materials with complex language or other elements such as charts, graphs, maps, and other images.
- Develop and implement standard templates for producing accessible City materials that are consistent with City branding and style.
- Include images of people with disabilities when images of people are included in City printed materials.

³⁵ See <https://archive.ada.gov/pcatoolkit/chap3toolkit.htm>.

³⁶ DOJ, Title II Regulations Subpart E § 35.160 General

³⁷ DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

Website Accessibility

As people turn to the internet as their primary source of information regarding programs, activities, services, and facilities, the City's website at <http://santaclaraca.gov/> takes on increasing importance as a communications tool. Providing public access to City publications online is an effective means of reaching persons with disabilities.³⁸ The federal accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998 have set forth the technical and functional performance criteria necessary for such technology to be accessible.³⁹ As of 2018 the technical requirements of Section 508 incorporate the Web Content Accessibility Guidelines (WCAG), including WCAG 2.0 A and AA. The WCAG guidelines are considered the best practice for web accessibility and provide the industry standards for accessible web content.⁴⁰

Required Actions

1. Take appropriate steps to ensure that the City's online communication with people with disabilities is as effective as other communications with the public.⁴¹
2. Ensure that people with disabilities are not excluded from participating in or benefitting from the City's online programs, activities, or services.⁴²

Implementation Strategies

- Publish the Policy of Nondiscrimination, including on the Basis of Disability, on the City website.
- Provide information on the City website about the accessibility of City facilities.
- Conduct web accessibility analyses to periodically measure the accessibility of the City's websites. Consider adopting standards that meet or exceed Section 508 of the Rehabilitation Act guidelines for the accessibility of electronic information.
- Acquire the technological resources or staffing expertise to create accessible documents for posting on the City website.
- Assign one department the authority to provide standards and oversight for outside vendors who create webpages and for departments who post their own documents. This can support consistent and accessible web pages.

³⁸ See <https://www.ada.gov/websites2.htm> and <https://www.ada.gov/pcatoolkit/chap5toolkit.htm>

³⁹ Section 508 of the Rehabilitation Act requires that Federal agencies' electronic and information technology is accessible to people with disabilities, including employees and members of the public. Many state and local public agencies have adopted these standards as best practices. See Title 29, Chapter 16, § 794d Electronic and information technology.

⁴⁰ <https://www.w3.org/WAI/standards-guidelines/wcag/>

⁴¹ DOJ, Title II Regulations Subpart E § 35.160 General

⁴² DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

Televised and Audiovisual Information

Televised and audiovisual presentations are a means for disseminating public information. These presentations, including PowerPoint presentations, must adhere to the City's accessibility requirements. With more communication relying on the internet and rapidly evolving technology, it is important for the City to ensure its presentations maintain accessibility.⁴³

Required Actions

1. Provide alternative formats upon request to audiovisual presentations produced by the City or its contractors or vendors.⁴⁴
2. Ensure that televised and audiovisual communications with people with disabilities is as effective as televised and audiovisual communications with others.⁴⁴

Implementation Strategies

- Review City presentations, videos, and recordings of meetings to identify potential barriers to accessibility and corresponding solutions.⁴⁵
- Encourage presenters to read the slides and describe the graphic content when presenting PowerPoint or other visual presentations.
- Include images of people with disabilities when images of people are included in City audiovisual materials.

⁴³ See <https://archive.ada.gov/pcatoolkit/chap3toolkit.htm>

⁴⁴ DOJ, Title II Regulations Subpart E § 35.160 General

⁴⁵ Closed captioning is not required for all televised or audiovisual presentations, but it is a common way of making them accessible to people who are unable to hear the audio portion, and in some instances, it might be the only accessible format.

Telecommunications

Technological advances such as cell phones, texting, and instant messaging are changing the tools that many people use to communicate. However, provision of alternative communication technologies such as teletypewriters (TTY), telecommunication display devices (TDDs), or relay services (TRS) is still required under the ADA for communicating with the public.⁴⁶

Required Actions

1. Ensure that staff is proficient in the use of alternative communication technologies such as TTY, TDDs, or TRS, or are able to direct the public to knowledgeable staff.⁴⁷
2. Ensure that City publications that list phone numbers also include information on how people who are deaf or who have hearing loss or speech disorders can communicate with departments by phone.⁴⁸
3. Ensure that telecommunications with people with disabilities are as effective as communications with others.⁴⁷
4. Ensure that responses to calls from a telecommunications relay service are handled in the same manner as responses to other telephone calls.⁴⁷

Implementation Strategies

- Train staff on the use of alternative communication technologies.
- Explore options for Video Remote Interpreting Services (VRI) for communicating with people who are deaf, have hearing loss, or speech disorders. There are many situations where a live interpreter is required, such as in medical situations, but VRI can be a convenient, flexible, lower-cost alternative to live interpreters.

⁴⁶ See <https://archive.ada.gov/pcatoolkit/chap3toolkit.htm>

⁴⁷ DOJ, Title II Regulations Subpart E § 35.161 Telecommunications

⁴⁸ DOJ, Title II Regulations Subpart E § 35.161 Telecommunications; § 35.163 Information and signage

Emergency Planning

Life and safety protocols and procedures are required to include plans for people with disabilities. Issues that have the greatest impact on people with disabilities include:

- Notification;
- Evacuation;
- Emergency transportation;
- Access to medications, refrigeration, and back-up power;
- Access to their mobility devices or service animals while in transit; and
- Access to information.

In planning for emergency services, the City is required to develop strategies for notifying and assisting people with the widest range of disabilities. The City is responsible for ensuring that staff are aware of these procedures and are trained to implement them during an emergency.⁴⁹

Required Actions

1. Include strategies for people with disabilities in various types of emergency situations when developing guidelines and a plan for emergency evacuations.⁵⁰
2. Train staff to safely evacuate people with disabilities in various types of emergency situations when developing guidelines and a plan for emergency evacuations.⁵⁰
3. Provide direct access to telephone emergency services, including 911 services, for people who use TDD's and computer modems.⁵¹
4. Provide emergency sheltering programs that are accessible to people with disabilities.⁵²

Implementation Strategies

- Incorporate the following elements into emergency planning:
 - Address what to do when an alarm is triggered;
 - Establish meeting places for assistance and evacuation chairs;
 - Provide direction on what to do if assistance is not available; and
 - Establish floor captains.
- Test the City's emergency plan and evacuation procedures with periodic drills, both announced and unannounced. Enlist people with different disabilities to role-play during emergency simulations.
- Review existing procedures dealing with emergencies to ensure that people with disabilities can be alerted and that they can alert emergency service providers.
- Work with disability organizations to explore the use of technologies such as audible exit signs for orientation and direction or vibrating paging systems.

⁴⁹ See <https://www.ada.gov/pcatoolkit/chap7emergencymgmt.htm>

⁵⁰ 42 U.S.C. § 12132; see generally, DOJ, Title II Regulations Subpart B § 35.130, Subpart D § 35.149

⁵¹ DOJ, Title II Regulations Subpart E § 35.162 Telephone emergency services

⁵² DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination; Subpart D § 35.149 Discrimination prohibited

- Provide training for public safety personnel to enable them to communicate in basic ASL if there is an emergency situation. For example, this training would be provided to police, fire-rescue staff, and building inspectors involved in post-disaster emergencies.
- Ensure that emergency teams are aware of people with disabilities in their communities who may require special assistance in an emergency.
- Provide ASL interpreters at emergency facilities, on an as-needed basis. To accomplish this, form a pool of interpreters as a resource from which to draw upon.
- Review suggestions for evacuation plans and procedures on the U.S. Access Board website at <http://www.ada.gov/emergencyprepguide.htm>. As applicable, review other resources such as the Procedures for Employees with Disabilities in Office Occupancies document published by FEMA and the U.S. Fire Administration.
- Develop plans that consider the needs of people using mobility aids such as wheelchairs, walkers, canes, crutches, or other power-driven mobility devices, or those with limited stamina. Plans should also address those who use oxygen or respirators, those who are blind or have low vision, people who are deaf or have hearing loss, people who have a cognitive disability, people with mental illness, and those with other types of disabilities.
- Incorporate assistance for people with disabilities into training for building evacuation procedures.

Notice, Grievance, and Complaint Procedure

Title II regulations require the City to inform the public of the name and contact information for the ADA coordinator, or designee, as well as of the rights and protections provided by the ADA for access to public programs, activities, and services. It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA. Publishing and publicizing the ADA notice is not a one-time requirement. State and local governments should provide the information on an ongoing basis, whenever necessary.⁵³

Required Actions

1. Designate at least one employee to coordinate the City's efforts to implement the plan and provide the name, office address, and telephone number to staff and the public.⁵⁴
2. Provide a public notice of the City's commitment to providing accessible services.⁵⁵
3. Provide information about the existence and location of accessible services, programs, activities, and facilities.⁵⁶
4. Develop and publish a grievance procedure to provide fair and prompt resolution of accessibility-related complaints.⁵⁷
5. Ensure that people claiming a violation of Title II are not retaliated against or discriminated against for making such a claim.⁵⁸

Implementation Strategies

- Provide notice of the availability of program modifications, alternative formats of materials, and auxiliary aids. Include contact information for staff who can provide assistance. Establish a standardized advanced notice requirement and publicize.
- Include a nondiscrimination notice in City publications, similar to the following:
The City of Santa Clara does not discriminate on the basis of disability in the admissions or access to its programs or activities. An ADA Coordinator has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Justice regulations implementing Subtitle A of Title II of the Americans with Disabilities Act (42 U.S.C. 12131-12134), which prohibits discrimination on the basis on disability by public agencies.
- Republish and rebroadcast radio, newspaper, television, or mailings of the notice periodically, as applicable.

⁵³ See <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>

⁵⁴ DOJ, Title II Regulations Subpart A § 35.107 Designation of responsible employee and adoption of grievance procedures

⁵⁵ DOJ, Title II Regulations Subpart A § 35.106 Notice

⁵⁶ DOJ, Title II Regulations Subpart E § 35.163 Information and signage

⁵⁷ DOJ, Title II Regulations Subpart A § 35.107 Designation of responsible employee and adoption of grievance procedures

⁵⁸ DOJ, Title II Regulations Subpart B § 35.134 Retaliation or coercion

- Increase outreach to people with disabilities and the organizations that serve them to provide information about possible modifications and the accessibility of programs, activities, and services.
- Ensure staff are aware of the public locations of the nondiscrimination statement and the procedure for filing a disability discrimination or grievance complaint.

Facilities

City facilities should be accessible to people with different types of disabilities. The identification of structural barriers in buildings, parks, and the public right-of-way is a required element of an ADA Transition Plan.

Required Actions

1. Ensure that the public can obtain information regarding the existence and location of accessible facilities, entrances, and elements within facilities.⁵⁹
2. Provide and maintain, in working order, features of facilities required to be accessible and usable for people with disabilities.⁶⁰
3. Ensure that people with disabilities are not excluded from programs due to the inaccessibility of City facilities.⁶¹
4. Prioritize methods of achieving facility accessibility that offer the most integrated setting appropriate for people with disabilities.⁶²
5. Design and construct new facilities or new parts of facilities to meet accessibility requirements.⁶³
6. Ensure that alterations to facilities meet accessibility requirements to the maximum extent feasible.⁶⁴
7. Make reasonable modifications to permit the use of mobility devices, including other power-driven mobility devices, unless they cannot be operated in accordance with the City's adopted safety requirements for pedestrian facilities.⁶⁵

Implementation Strategies

- Provide information about the accessibility of City-owned and operated facilities on department publications, including department websites. This can include details about accessible entrances, bathrooms, and other elements.
- Provide information about the accessibility of non-City facilities hosting City programs and services and City-owned facilities that are leased to other entities.
- Record and monitor requests relating to facility access. The ADA Coordinator can analyze accessibility requests periodically to look for global issues that can be addressed and problems that can be solved proactively.

⁵⁹ DOJ, Title II Regulations Subpart E § 35.163 Information and signage

⁶⁰ DOJ, Title II Regulations Subpart B § 35.133 Maintenance of accessible features

⁶¹ DOJ, Title II Regulations Subpart D § 35.149 Discrimination prohibited

⁶² DOJ, Title II Regulations Subpart D § 35.150 Existing facilities

⁶³ DOJ, Title II Regulations Subpart D § 35.151(a) Design and construction

⁶⁴ DOJ, Title II Regulations Subpart D § 35.151(b) Alterations

⁶⁵ DOJ, Title II Regulations Subpart B § 35.137(b)(1) Use of other power-driven mobility devices

Public Right-of-Way Construction Standards Review Summary

To assess the City's compliance with right-of-way construction standards for accessibility, a review was undertaken of the following City documents:

- City of Santa Clara's 2015 Standard Details
- Sections 3 and 4 of Santa Clara's Public Works Department Design Criteria (April 2015)
- Paragraph 1.16 of Santa Clara's Standard Specification Section 01500

These City documents were reviewed according to the following standards:

- 2004 AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities
- 2011 Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way
- 2016 California Access Compliance Advisory Reference Manual (published January 1, 2018)
- 2016 California Building Code
- Caltrans 2018 Standard Plans
- Caltrans 2018 Standard Specifications
- Caltrans Design Information Bulletin 82-06 Pedestrian Accessibility Guidelines for Highway Projects (dated November 16, 2017)
- Caltrans Highway Design Manual (Sixth Edition)
- Caltrans series CEM-5773 ADA Compliance Inspection Report Forms

Required Actions

1. Ensure that the City's standards for the public right-of-way are consistent with standards for accessibility.

Implementation Strategies

- Perform updates to the construction standards for the public right-of-way for accessibility, as applicable.

3 Transition Plan

Title II of the ADA requires public entities having responsibility for or authority over facilities, streets, roads, sidewalks, or other areas meant for public use to develop a transition plan to ensure their facilities meet the standards for program accessibility. Program accessibility means that a program, activity, or service provided to the public is accessible when viewed in its entirety. Simply put, a transition plan assists in turning inaccessible facilities into environments that are accessible to and usable by individuals with disabilities.

The process of developing an ADA transition plan includes the identification of access barriers within the built environment. The transition plan for the removal of structural barriers to program access must contain the following information:

- Identification of the barriers to program access;
- Identification of the specific barrier removal action(s);
- Identification of a schedule for barrier removal; and
- Identification of responsibility for ensuring barrier removal.

This transition plan is organized into two parts: building and park facilities, and the public right-of-way.

3.1 Schedule for Facility and Public Rights-of-Ways Improvements

Title II regulations state that if a transition plan will take more than one-year to fully implement, it must contain interim steps to provide program accessibility. This Plan proposes a strategy of removing barriers at facilities and the public right-of-way for the next 10 years, with a re-evaluation after 10-years to guide barrier removals in the subsequent years. The City reserves the right to modify barrier removal priorities to allow flexibility in accommodating public requests, petitions for reasonable modifications from people with disabilities, changes in City programs, and funding opportunities and constraints. The barrier removal strategy incorporates flexibility in the process and allows the City to respond to new opportunities as they arise. Barriers identified at City facilities will be removed systematically according to the program priorities identified in this Plan. The City's ADA Coordinator, or designee, is responsible for ensuring barrier removal.

3.2 Accessibility Standards

At the time of the building, site, and right-of-way evaluations, the ADA 2010 Standards, 2019 California Access Compliance Advisory Reference Manual (CBC), 2015 Architectural Barriers Act (ABA) Standards for Outdoor Developed Areas, 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), and the 2014 California Manual on Uniform Traffic Control Devices for Streets and Highways (CA MUTCD) were used to identify barriers at City facilities and the public right-of-way. Building codes and standards are revised

every few years. The barrier evaluations conducted provide an assessment of current conditions as viewed by the current code at the time of evaluation and provide a baseline for future barrier removal.

3.3 Facility Evaluations

During the site evaluations of Santa Clara facilities, all portions of the exterior and interior features of the sites used by the public were evaluated. The assessment identified physical barriers in each facility that limit accessibility and compared each facility to the 2010 ADA, 2019 CBC, and 2015 ABA. The assessed building and park facilities are organized into two groups, buildings and sites, and parks and trails. All Santa Clara facilities are included together in the Plan transition priority tables. Map 1 on the following page illustrates the location of the building facilities.

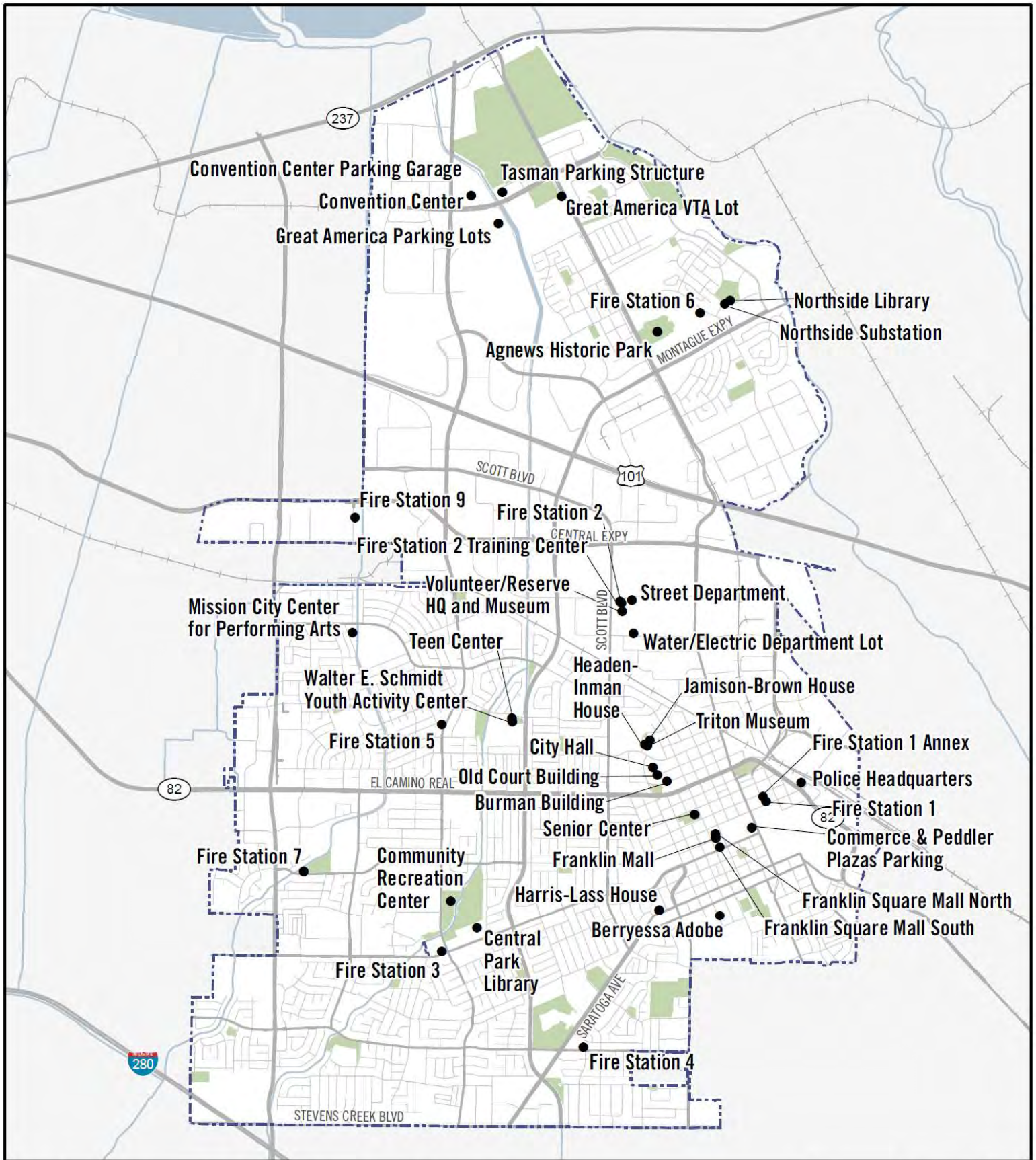
Buildings and Sites

- Agnews Historic Park
- Berryessa Adobe
- Burman Building
- Central Park Library
- City Hall
- Commerce & Peddler Plazas Parking
- Community Recreation Center
- Convention Center
- Convention Center Parking Garage
- Fire Station 1
- Fire Station 1 Annex
- Fire Station 2
- Fire Station 2 Training Center
- Fire Station 3
- Fire Station 4
- Fire Station 5
- Fire Station 6
- Fire Station 7
- Fire Station 9
- Franklin Mall
- Franklin Square Mall North
- Franklin Square Mall South
- Great America Parking Lots
- Great America VTA Lot
- Harris-Lass House
- Headen-Inman House
- Jamison-Brown House
- Mission City Center for Performing Arts
- Northside Library
- Northside Substation
- Old Court Building
- Police Headquarters
- Senior Center
- Street Department
- Tasman Parking Structure
- Teen Center
- Triton Museum
- Volunteer/Reserve HQ and Museum
- Walter E. Schmidt Youth Activity Center
- Water/Electric Department Lot

The site evaluations⁶⁶ were accomplished using a consultant team equipped with measuring devices, City facility information, and evaluation checklists. Diagrams and maps of each site were annotated during the evaluation process and are included with the ADA Facility Assessments Reports.

⁶⁶ The comprehensive site evaluation ADA Facility Reports are available under separate cover. The reports are a snapshot in time of the facility at the time of evaluation. The reports do not reflect the dates or history of construction or alterations of City facilities. In some cases, the items contained in the reports are not required to be remediated because those items were compliant at the time of construction or alteration, or other options are available to the City to provide similar accessible programs, activities, and services. The reports do not necessarily reflect actions that the City must undertake, but rather constitute a list of elements that were not consistent with accessibility standards current at the time of the evaluation.

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City of Santa Clara ADA Self-Evaluation & Transition Plan
Map 1: Evaluated Buildings and Parking Lots



Legend
 ● Evaluated Buildings and Parking Lots

Context
 [Dashed Blue Line] City Boundary — Street — Railroads [Blue Box] Water Feature [Green Box] Park



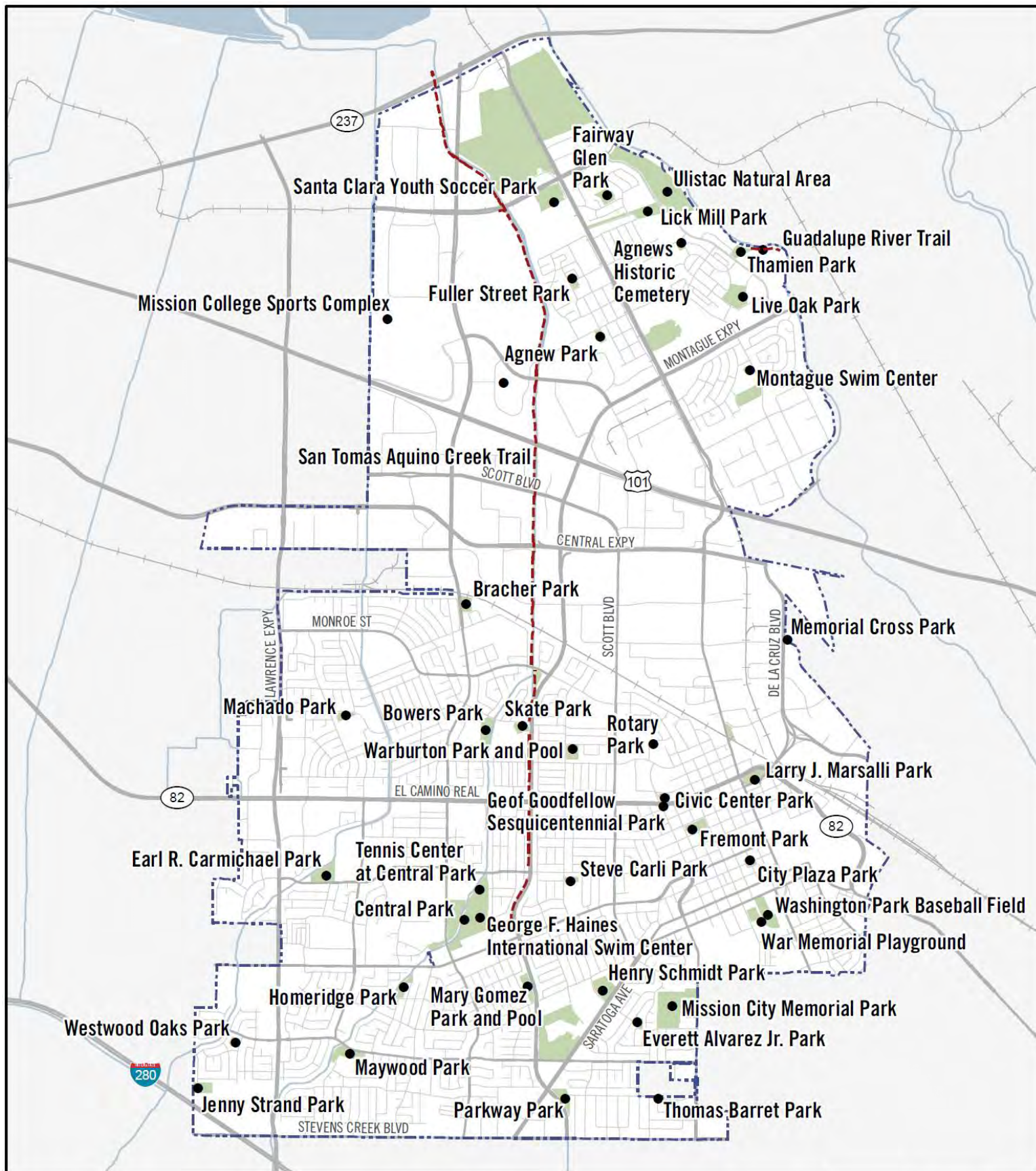
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Parks and Trails

- Agnew Park
- Agnews Historic Cemetery
- Bowers Park
- Bracher Park
- Central Park
- City Plaza Park
- Civic Center Park
- Earl R. Carmichael Park
- Everett Alvarez Jr. Park
- Fairway Glen Park
- Fremont Park
- Fuller Street Park
- Geof Goodfellow Sesquicentennial Park
- George F. Haines International Swim Center
- Guadalupe River Trail
- Henry Schmidt Park
- Homeridge Park
- Jenny Strand Park
- Larry J. Marsalli Park
- Lick Mill Park
- Live Oak Park
- Machado Park
- Mary Gomez Park and Pool
- Maywood Park
- Memorial Cross Park
- Mission City Memorial Park
- Mission College Sports Complex
- Montague Swim Center
- Parkway Park
- Rotary Park
- San Tomas Aquino Creek Trail
- Santa Clara Youth Soccer Park
- Skate Park
- Steve Carli Park
- Tennis Center at Central Park
- Thamien Park
- Thomas Barret Park
- Ulistac Natural Area
- War Memorial Playground
- Warburton Park and Pool
- Washington Park Baseball Field
- Westwood Oaks Park

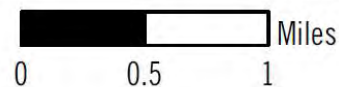
Map 2 on the following page identifies the location of City park facilities.

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City of Santa Clara ADA Self-Evaluation & Transition Plan

Map 2: Evaluated Parks and Trails



Legend

- Evaluated Park
- Evaluated Trail

Context

- City Boundary
- Street
- Railroads
- Water Feature
- Park



October 2019

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Barrier Categorization

Categorization is the classification of physical barriers identified in the field evaluations that may limit access to City programs, activities, or services at a particular site. The categories follow a logic of access to a site. When planning or designing projects with limited budgets, the City would want to address primary access like parking before addressing an amenity like a drinking fountain. The following is a descriptor of the categories:

- **Category 1:** Barrier removal items that provide accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place (parking, walks, ramps, entrance doors, etc.).
- **Category 2:** Barrier removal items that improve or enhance access to program use areas (transaction counters, conference rooms, public offices, restrooms, etc.).
- **Category 3:** Barrier removal items that improve access to amenities serving program areas (drinking fountains, telephones, site furnishings, vending machines).
- **Category 4:** Areas or features not required to be modified for accessibility (no public programs located in this area, duplicate features, alteration could be considered technically infeasible).
- **Category 5:** Areas or features located at sites that may qualify as a historic landmark and may not be required to fully comply with current accessibility standards.

Criteria for Prioritizing Barrier Removal at City Facilities

Prioritizing the removal of barriers at City facilities is an important component of developing and implementing an ADA transition plan. The following criteria were considered in the schedule for removing barriers.

- **Identified complaints or requests:** Facilities that have a history of citizen complaints or requests related to accessibility can be assigned a higher priority.
- **Level of use by the public:** Facilities that have a high level of public use are a higher priority.
- **Program uniqueness:** Some programs are unique to a building, facility, or population and cannot occur at another location.
- **Citizen rights and responsibilities:** Facilities where services are provided to exercise citizen rights—participation in City Council and Commission meetings, access to elected officials, facilities where taxes are paid, permits, and licenses are obtained, etc.
- **Geographic distribution:** By selecting a range of facilities that are distributed throughout the City, the City can ensure maximum access for all residents.
- **Recognized user groups:** Facilities where programs serving youth, seniors, and people with special needs are provided.
- **Planned obsolescence:** Facilities with identified capital projects that will replace the existing facility.

Schedules for Facility Improvements

The transition plan for building and park facilities proposes a strategy for prioritizing barriers removals for the first 10-years of the Plan's implementation, with an update of the Plan after 10-years to evaluate the barriers removed, barriers remaining, and the and schedule for removal of barriers in the subsequent timeframe.

Within the first 10 years of the Plan's implementation, the City will prioritize addressing barriers at facilities that limit program accessibility. The City will prioritize removal of barriers identified at City facilities based on the program priorities identified in this Plan. It is the intent of the City to address and remove barriers to accessibility at its facilities based on the need for programmatic access.

The City reserves the right to modify barrier removal priorities to allow flexibility in accommodating public requests, petitions for reasonable modifications from people with disabilities, changes in City programs, and funding opportunities and constraints. The ADA Title II regulations state that if a transition plan will take more than one year to fully implement, it must contain interim steps to provide program accessibility. Interim measures will be evaluated and implemented as necessary to improve access for the public pending the implementation of major physical barrier removal projects to the extent feasible and reasonable. Interim steps identified in this Plan include

- Relocation of a program to an accessible facility;
- Installation of directional signs;
- Installation of a power door or lift;
- Adjustments to operating mechanisms;
- Temporary modifications that increase access; or
- Other actions that enable better access.

The City will accomplish barrier removals in its facilities through policy and procedure modifications to remove programmatic barriers, and through maintenance and construction projects to remove structural barriers.

The strategy is summarized in tables on the following pages. It is the City's intent to periodically review the barriers against planned and completed projects and activities and to modify the implementation schedule as needed and on an on-going basis, with an update of the Plan after 10 years. The City will evaluate and implement barriers that can be resolved through programmatic modifications and maintenance tasks during the initial 10-year period of the Plan. In addition, during each of the City's biennial Capital Improvement Project budgeting cycles following acceptance of this Plan, the removal of barriers will be evaluated for inclusion as part of other planned projects or as focused barrier removal projects to the extent feasible within budgeting constraints. After 10 years, the City will revise the schedule for removal of the remaining barriers. It is also assumed that as facility barriers are evaluated in greater detail as part of future projects and complaints, a percentage of the barriers will fall within the safe

harbor provisions⁶⁷. The City will then revise and update the inventory of barriers and, when applicable, revise the schedule for the removal of remaining barriers.

The information contained in the ADA facility assessment reports has been incorporated into an ADA barrier analysis excel workbook with companion facility GIS data, which is intended for use as a tracking tool in administering the Plan and the City's ongoing record of the remediation of barriers. The tracking tool will be updated as the City removes barriers or implements programmatic solutions to barriers. The records are to be maintained by the City's ADA Coordinator, or designee. In compliance with the requirements of the ADA, the City will maintain in working order features that are required to provide access to individuals with disabilities.

Barrier Removal Project Types and Time Frames

Taking into consideration that not all barriers require the same level of effort to mitigate, the time frames for barrier removal has been organized into four categories: interim solutions, maintenance projects, small capital projects, and large capital projects. The time frame guidelines identified below for each project type will be considered, in addition to the barrier categories and prioritization criteria, when scheduling barrier removal work. The City plans to prioritize Interim Solutions and Maintenance Projects within the first 5 years of the Plan. The City also plans to prioritize barriers identified as Phase A for the first 10 years of the Plan. The city anticipates that Phases B and C will be completed after this initial 10-year period. After the initial 10-year period, the City will evaluate the barriers removed, barriers remaining, and the priorities and schedule for removal of remaining barriers. The City is projecting that approximately up to one-half of the barriers identified may be mitigated within in this initial 10-year period, subject to funding availability. Barrier removal projects of any type may be implemented concurrently at any time over the Plan's implementation. Where possible, the City will implement barrier removal work with other planned maintenance and/or capital projects for economies of scale. In addition, if projects materialize that include opportunities for accessibility improvements identified to be completed for a later phase in this Plan, those accessibility improvements may be brought forward to be completed sooner at time-of-opportunity in consultation with the project.

- **Interim Solutions:** Interim measures involve programmatic solutions that will be put in place pending implementation of major barrier removal projects through either small or large capital projects. An example of this type of strategy is relocating programs to a new location that has accessible facilities.
- **Maintenance Projects:** Mitigation of a barrier as part of ongoing maintenance, which could occur without a building permit. Example: Changing door hardware from a knob to accessible lever hardware; remounting a fixed unit to appropriate reach range

⁶⁷ Facilities that are subject to safe harbor provisions under the ADA may remain in their current condition until the City plans to alter those facilities. Future accessibility improvements at these sites may be considered on a case-by-case basis. See Section 4 of this document for more discussion of safe harbor provisions.

heights, such as a paper towel dispenser or new signage. These projects will typically be less than \$5,000 each.

- **Small Capital Projects - Phase A:** Barrier mitigations that require individual study under the guidance of a design professional. Barrier mitigation projects with a small scope and cost may be considered small capital projects. These projects will typically be less than \$50,000 each.
- **Medium Capital Projects - Phase B:** Barrier mitigations that require individual study under the guidance of a design professional but may require extended planning and funding at a cost greater than \$50,000.
- **Large Capital Projects - Phase C:** Barrier mitigations that require significant reconstruction of a facility or within facilities with potential for replacement or development under a master plan are considered long range projects to allow for collaboration between the barrier mitigations and other planning activities for economies of scale.

Facilities Prioritized for Interim Solutions or Maintenance

At the time of preparation of this Plan, the City identified facilities with potential for large capital projects or replacement of the existing facility over the timeframe of this Plan. Barrier removal at these facilities will be focused on interim solutions and maintenance activities until the time of the large capital project or facility replacement. This includes the following locations:

- Bracher Park
- Fairway Glen Park
- Fire Station 1
- Fire Station 1 Annex
- Fire Station 5
- Fire Station 7
- Fire Station 9
- Fuller Street Park
- Geof Goodfellow Sesq. Park
- Homeridge Park
- Parkway Park
- Steve Carli Park
- Thamien Park
- Thomas Barret Park
- Ulistac Natural Area
- City Hall

Facilities Owned or Operated by Others

Barrier removal projects affecting the accessibility of City programs at facilities not exclusively owned or operated by the City will be coordinated with the site owner per the joint-use, lease, or other agreements. This includes the following locations:

- Agnews Historic Park
- Mission City Center for Performing Arts
- Mission College Sports Complex
- Northside Police Substation
- Teen Center
- Walter E. Schmidt Youth Activity Center
- War Memorial Playground
- Washington Park Baseball Field

Transition Plan Phasing Schedules

The following barrier removal phasing schedule tables are organized into three priority tiers based on a combination of the criteria for prioritizing barrier removal: identified complaints or requests, level of use by the public, program uniqueness, citizen rights and responsibilities, geographic distribution, council recognized user groups, and planned obsolescence. Priority 1 facilities meet more of the criteria than those identified in the priority 2 and 3 phasing schedules, and priority 2 facilities meet more of criteria then priority 3 facilities. As previously noted, the City intends to address Interim Solutions and Maintenance Projects within the first 5 years of the Plan. The following tables identify the facilities' small and large capital project schedules by priority ranking.

Table 3.1: Small, Medium, and Large Capital Projects - Priority 1 Facilities

Facility	Capital Project Type	Phase A	Phase B	Phase C
Central Park	Small		•	
	Medium/Large			•
Central Park Library	Small	•		
	Medium/Large			•
City Hall	Small	•		
	Medium/Large			•
Community Recreation Center	Small		•	
	Medium/Large			•
Convention Center and Parking Garage	Small	•		
	Medium/Large			•
Fire Station #2 Training Center	Small		•	
	Medium/Large			•
Northside Library	Small	•		
	Medium/Large			•
Old Court Building	Small		•	
	Medium/Large			•
Police Headquarters	Small	•		
	Medium/Large			•
Senior Center and Fremont Park	Small	•		
	Medium/Large			•
Tasman Parking Structure	Small	•		
	Medium/Large			•
Triton Museum	Small	•		
	Medium/Large			•

Table 3.2: Small, Medium, and Large Capital Projects - Priority 2 Facilities

Facility	Capital Project Type	Phase A	Phase B	Phase C
Agnew Park	Small		•	
	Medium/Large			•
Bowers Park	Small		•	
	Medium/Large			•
City Plaza Park	Small		•	
	Medium/Large			•
Civic Center Park	Small		•	
	Medium/Large			•
Earl R. Carmichael Park	Small		•	
	Medium/Large			•
FD Volunteer / Reserve HQ & Museum	Small		•	
	Medium/Large			•
Fire Station 2	Small		•	
	Medium/Large			•
Guadalupe River Trail	Small		•	
	Medium/Large			•
Henry Schmidt Park	Small		•	
	Medium/Large			•
Larry J. Marsalli Park	Small		•	
	Medium/Large			•
Lick Mill Park	Small		•	
	Medium/Large			•
Live Oak Park	Small		•	
	Medium/Large			•
Machado Park	Small		•	
	Medium/Large			•
Mary Gomez Park	Small		•	
	Medium/Large			•
Maywood Park	Small		•	
	Medium/Large			•
Mission City Memorial Park	Small		•	
	Medium/Large			•
Montague Swim Center	Small	•		
	Medium/Large			•

Facility	Capital Project Type	Phase A	Phase B	Phase C
San Tomas Aquino Creek Trail	Small	•		
	Medium/Large			•
Warburton Park and Pool	Small	•		
	Medium/Large			•
Westwood Oaks Park	Small	•		
	Medium/Large			•

Table 3.3: Small, Medium, and Large Capital Projects - Priority 3 Facilities

Facility	Capital Project Type	Phase A	Phase B	Phase C
Agnew Historic Cemetery	Small		•	
	Medium/Large			•
Berryessa Adobe	Small		•	
	Medium/Large			•
Burman Building	Small		•	
	Medium/Large			•
Commerce and Peddlers Plaza	Small		•	
	Medium/Large			•
Everett Alvarez Jr. Park	Small		•	
	Medium/Large			•
Fire Station 3	Small		•	
	Medium/Large			
Fire Station 4	Small		•	
	Medium/Large			•
Fire Station 6	Small		•	
	Medium/Large			•
Franklin Mall	Small		•	
	Medium/Large			•
Great America VTA Lot	Small		•	
	Medium/Large			•
Harris-Lass House	Small		•	
	Medium/Large			•
Headen-Inman House	Small		•	
	Medium/Large			•
Jamison-Brown House	Small		•	
	Medium/Large			•
Jenny Strand Park	Small		•	
	Medium/Large			•
Memorial Cross Park	Small		•	
	Medium/Large			•
Rotary Park	Small		•	
	Medium/Large			•
Santa Clara Youth Soccer Park	Small		•	
	Medium/Large			•

Facility	Capital Project Type	Phase A	Phase B	Phase C
Skate Park	Small		•	
	Medium/Large			•
Street Department	Small		•	
	Medium/Large			•
Water/Electric Department Parking Lot	Small		•	
	Medium/Large			•

Current and Recent Barrier Removal Projects at City Facilities

Prior to and during the planning process for this Plan, the City has been actively engaged in barrier removal activities through Capital Improvement Projects. The following is a list of Capital Improvement Projects at City Facilities planned, started, or completed during development of this Plan that includes barrier removal activities:

- Mission Branch Library Remodel Project
- Police Building Security Upgrade Project
- San Tomas & Monroe Park & Community Garden Project
- Bowers & Machado Parks Rehabilitation Project
- Homeridge Park Playground Rehabilitation Project
- Agnew and Fuller Parks Rehabilitation Project
- Montague Park Rehabilitation Project
- Henry Schmidt Park Playground Rehabilitation Project
- Harris-Lass Museum Repairs Project
- Westwood Oaks Park Playground Rehabilitation Project
- Central Park Magical Bridge Playground Project
- Mission Branch Library Gazebo Rehabilitation Project
- Fairway Glen Park Restroom Rehabilitation Project

The above list should not be considered as comprehensive in listing all of the projects or activities that the City has engaged in towards removing barriers at City facilities prior to or during development of this Plan, but rather should be considered as indicative of demonstrating City's efforts towards removing barriers. The details of specific barriers removed under each project or activity are available within City's records and are not specifically listed in this Plan. Planned, started, or completed projects or activities during the development of this Plan are incorporated into this Plan by reference.

3.4 Public Right-of-Way

The ADA addresses the accessible pedestrian access route in the public right-of-way where sidewalks are provided by the City. The ADA does not mandate the installation of sidewalks but does require a curb ramp where existing sidewalks intersect the roadway.

In 2002, the United States Court of Appeals for the Ninth Circuit (Court), whose jurisdiction includes California, held for the first time that sidewalks constitute a program, activity, or service of a public entity. Therefore, sidewalks are subject to the ADA's program accessibility regulations.⁶⁸ Prior to this decision, the law was unclear about whether transition plans for public entities should address barrier removal from sidewalks. When originally written, the ADA specifically addressed curb ramps; this court decision added sidewalks. Additionally, in 2014, the Court provided direction on providing accessible programs and services where there is an absence of technical standards relevant to the situation. The Court established that public agencies have an obligation to make their programs accessible to all users, and when designing for accessibility in the absence of adopted technical standards, Title II entities should consider comparable design standards or program access⁶⁹.

Under Title II of the ADA, the City is not necessarily required to construct curb ramps at every point where a sidewalk intersects a curb. Traffic safety considerations may make construction of ramps undesirable at some locations. Alternative routes to buildings that make use of existing curb ramps may be acceptable under the concept of program accessibility where individuals with disabilities need only travel a marginally longer route.

Public Right-of-Way Evaluations

During the right-of-way evaluations pedestrian access routes,⁷⁰ curb ramps, and on-street parking were evaluated to identify physical barriers at each facility that limit accessibility and compared each facility to the 1991 ADAAG, 2010 ADA, 2019 CBC, 2011 PROWAG, and 2014 CA MUTCD^{71 72}. An excel workbook entitled public right-of-way data dictionary was prepared during the development of this evaluation which identified specific criteria used for evaluating

⁶⁸ Barden v. City of Sacramento, 292 F.3d 1073 (9th Cir. 2002)

⁶⁹ Fortuone v. City of Lomita, 766 F.3d 1098 (9th Cir. 2014)

⁷⁰ Pedestrian access routes include crosswalks, rail crossings, pedestrian bridges, sidewalks, and sidewalk hazards. Hazards include changes of level, driveway cross slopes greater than two percent overhanging and protruding objects, opens greater than one-half inch and/or parallel to the direction of travel, obstacles that narrow the width of the accessible route, and surfaces that are not firm, stable, and slip resistant.

⁷¹ Street lighting and illuminance for pedestrian circulation is not addressed in the scope or technical design standards of the ADA and are not an included element for this Plan.

⁷² The public right-of-way evaluation is a snapshot in time at the time of evaluation. The evaluation does not reflect the dates or history of construction or alterations. In some cases, the items contained in the public right-of-way evaluation are not required to be remediated because those items were compliant at the time of construction or alteration, or other options are available to the City to provide similar accessible programs, activities, and services. The evaluation does not necessarily reflect actions that the City must undertake, but rather constitute a list of elements that were not consistent with accessibility standards current at the time of the evaluation.

the accessibility of each type of facility. The evaluation resulted in the development of geospatial data that informed a draft right-of-way barrier analysis summary report that summarizes the results of the evaluation and which has been incorporated into the development of this Plan⁷³. The public right-of-way data dictionary details the specific standards applied for specific elements, and these standard for the specific elements are incorporated by reference as the standards for use in the public right-of-way during the Plan's implementation.

Public Right-of-Way Prioritization

The prioritization criteria for assigning the barrier removal phasing schedule were developed using Title II regulation § 35.150(d)(2).

If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

The prioritization criteria include the following:

- Locations of ADA Complaint and/or Request from a Qualified Individual with a Disability;
- Locations serving government offices and public facilities;
- Locations serving transportation;
- Locations serving commercial districts and employers; and
- Locations serving other areas.

Locations of ADA Complaint and/or Request from a Qualified Individual with a Disability⁷⁴ are facility locations where City staff has received a complaint or request from a person with a disability or represents a person with a disability as defined by the American with Disabilities Act. Complaints or requests from a person with a recognized disability under the ADA, or on their behalf will be prioritized and reviewed first if there are multiple complaints or requests.

⁷³ The comprehensive facility evaluation of existing conditions was provided to the City in a geospatial dataset. The data collected represents a snapshot in time of the facility at the time of evaluation. The evaluations do not reflect the dates or history of construction or alterations. In some cases, the items contained in the evaluations may not be required to be remediated because those items were compliant at the time of construction or alteration, or other options are available to the City to provide programmatic access. The evaluations do not necessarily reflect actions that the City must undertake, but rather constitute a list of elements that were not consistent with accessibility standards current at the time of the evaluation

⁷⁴ DOJ, Title II Regulations Subpart E § 35.104 Definitions.

Barrier Priorities

Matrices on the following pages illustrate the prioritization criteria for barrier removal projects in the public right-of-way such as curb ramps, pedestrian access routes,⁷⁵ and pedestrian pushbuttons at street crossings. Each element evaluated was assigned a rank based on its barrier priority and category. The priority assigned is based on the information described above and the barrier category is based on the condition of the facility. The descriptions for each category are provided after each matrix.

The highest-ranked elements are shaded in dark grey, medium ranked in a medium grey, and lower-ranked in light grey. The facilities with no assigned rank have no access deficiencies identified and have no assigned color. The columns in the matrix indicate the assigned priority and are in order of importance from left to right, with the left column having the highest importance. The rows indicate the category of condition assigned to each facility during the evaluation process, with the top row having the highest importance. Note that categories are hierarchical: higher-level categories (i.e., one and two) may include lower-level category conditions (i.e., three and four), but lower-level categories cannot include higher-level category conditions. Each matrix is followed by a description of the barrier categories; maps illustrating the locations of identified barriers by priority; and summary tables of the barrier removal priorities

Barrier Categories

Category description tables that describe the accessibility barriers and their assigned category (i.e., one, two, three, etc.) are provided after each facility priority matrix. Within the curb ramp and pedestrian access route summary sections, the category tables also describe the three road classifications within Santa Clara: arterial, collector, and local street, and the road classification's relationship to the assigned category. Arterials and collectors have a higher volume and speed of vehicular traffic when compared to local streets and barriers located on roadways. Therefore, a higher or lower priority can be assigned within a barrier type based on the road's classification, and the table illustrates how the road classification influences the category classification.

⁷⁵ Pedestrian access route information includes identified barriers along the sidewalks, crosswalks, and includes the identifications of hazards along the pedestrian route.

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Curb Ramps

Table 3.4: Curb Ramp Priority Matrix

		ADA 35.150(d) Geospatial Proximity Priorities ⁷⁶				
		A	B	C	D	E
Priorities (Category)	Priority Description	Location of Public ADA Complaint and/or Request from a Qualified Individual with a Disability	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	See Category 1 Description	A1 (High Priority)	B1 (High Priority)	C1 (High Priority)	D1 (High Priority)	E1 (Medium Priority)
2	See Category 2 Description	A2 (High Priority)	B2 (High Priority)	C2 (High Priority)	D2 (Medium Priority)	E2 (Medium Priority)
3	See Category 3 Description	A3 (High Priority)	B3 (Medium Priority)	C3 (Medium Priority)	D3 (Medium Priority)	E3 (Low Priority)
4	See Category 4 Description	A4 (High Priority)	B4 (Low Priority)	C4 (Low Priority)	D4 (Low Priority)	E4 (Low Priority)
5	No deficiencies identified	A5 (No Deficiencies)	B5 (No Deficiencies)	C5 (No Deficiencies)	D5 (No Deficiencies)	E5 (No Deficiencies)

⁷⁶The priorities listed are specified under Title II 28 CFR Section 35.150 (d).

Curb Ramp Barrier Category Descriptions

Table 3.5: Curb Ramp Category 1 Descriptions

Road Classification Category (y-axis)	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
The curb ramp is built-up in the travel lane.															
The curb ramp is significantly damaged or deteriorated and is unsafe.															
The curb ramp has no detectable warning.															
There is a sidewalk with no curb ramp access or there is an obstruction to accessing the curb ramp.															
Non-standard ramp type with non-compliant cross slope and/or ramp slope.															
The width and length of the pedestrian refuge island does not meet any standard.															
The curb ramp has no receiving ramp.															
Curb ramp designed to pre-2000 standards ⁷⁷ .															

⁷⁷ Based upon a review of available City records, it appears that a curb ramp standard detail dated April 1980, or variations thereof, was utilized for construction until the year 2000, whereinafter the curb ramp standard detail was revised to comply with the accessibility standards at the time. This 1980 curb ramp standard detail, or variations thereof, does not fully comply with 1991 Standards and therefore curb ramps that appear to be constructed according to this 1980 standard detail are assumed to be noncompliant with the 1991 or subsequent standards and are denoted as pre-2000 standards for the purposes of this Plan.

Table 3.6: Curb Ramp Category 2 Descriptions

Road Classification Category (y-axis)	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
The curb ramp does not have a firm, stable, and slip resistant surface and/or has openings greater than a half-inch or parallel with the direction of travel.															
The curb ramp is not located within marked crossings (when present).															
Cross slope of ramp exceeds two percent.															
Running slope of ramp exceeds 8.33 percent.															
Cross slope of ramp exceeds two percent and grade of road when located midblock or at an intersection without yield or stop control.															
Slope of ramp flared sides (if applicable) exceeds 10 percent and is part of the circulation path.															
Width of ramp is less than 48 inches.															
A three-by-four-foot clear space at the bottom of the ramp outside of the travel lane is not provided.															
Curb ramp has turning space that does not meet any existing standards.															
The curb ramp has a lip or vertical discontinuity greater than a half-inch.															
The detectable warning provided meets no existing standard.															

Table 3.7: Curb Ramp Category 3 Descriptions

Road Classification	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
Counter slope of the curb ramp is greater than five percent.															
Curb ramp with constrained turning space is less than four-by-five feet.															
Turning space meets neither CBC nor PROWAG standard.															
Landing is not designed to prevent the accumulation of water.															
A four-by-four-foot clear space at the bottom of the ramp outside of the travel lane is not provided.															
The detectable warning provided does not meet PROWAG standard.															
Slope of ramp flared sides (if applicable) exceeds 8.33 percent and is less than or equal to 10 percent and is part of the circulation path.															

Table 3.8: Curb Ramp Category 4 Descriptions

Road Classification	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
The width and length of the pedestrian refuge island does not meet PROWAG standard.															
End of walk due to road terminating with no exit ramp.															
End of walk midblock with no exit ramp.															
The detectable warning provided does not meet CBC standard.															
The curb ramp has a lip or vertical discontinuity less than a half-inch.															
Slope of ramp flared sides exceeds 10 percent and is not a part of the circulation path.															
Turning space meets either PROWAG standard or meets CBC standard, but not both.															

Table 3.9: Curb Ramp Category 5 Descriptions

Road Classification	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
No deficiencies identified															
Shared diagonal perpendicular or shared parallel curb ramp design without existing physical constraints															

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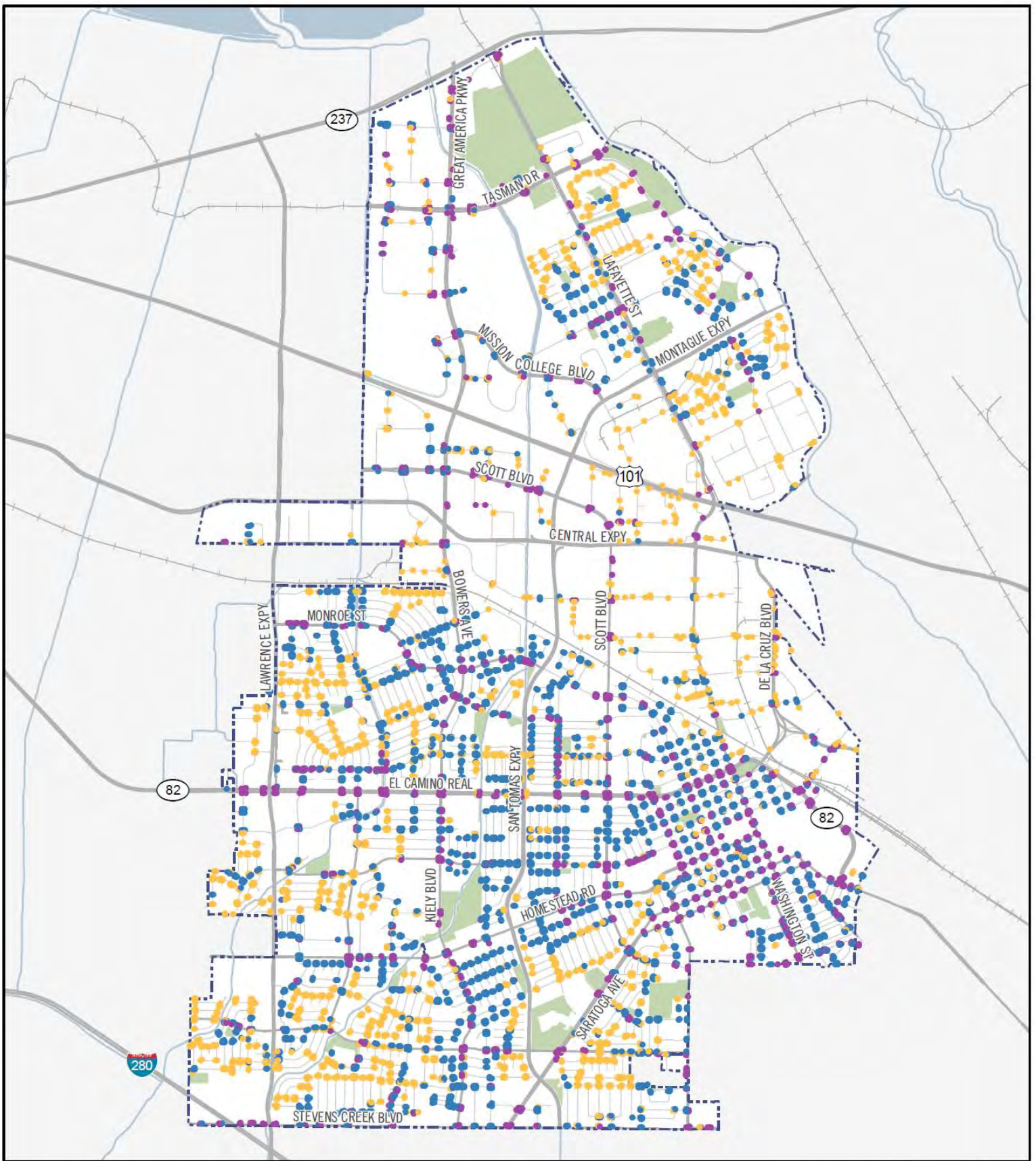
Table 3.10: Curb Ramp Barrier Summary by Rank

Rank	Total Instances	Percent of Total
High	1,196	16.1%
Medium	3,555	47.8%
Low	2,691	36.2%
Total	7,442	100.0%

Table 3.11: Curb Ramp Barrier Summary by Rank and Category

Rank	Category	Priority	Instances	Percent of Total
High	1	B1	97	1.3%
High	1	C1	399	5.4%
High	1	D1	10	0.1%
High	2	B2	145	1.9%
High	2	C2	545	7.3%
Medium	1	E1	102	1.4%
Medium	2	D2	4	0.1%
Medium	2	E2	183	2.5%
Medium	3	B3	466	6.3%
Medium	3	C3	2,782	37.4%
Medium	3	D3	18	0.2%
Low	3	E3	1,970	26.5%
Low	4	B4	77	1.0%
Low	4	C4	403	5.4%
Low	4	D4	4	0.1%
Low	4	E4	237	3.2%

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City of Santa Clara ADA Self-Evaluation & Transition Plan
Map 3: Curb Ramp Barrier Removal Projects: All

0 0.5 1 Miles

Barrier Removal Rank

• High • Medium • Low

Context

City Boundary Street Railroads Water Feature Park



October 2019

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Pedestrian Access Routes

Table 3.12: Pedestrian Access Route Priority Matrix

		ADA 35.150(d) Geospatial Proximity Priorities ⁷⁸				
		A	B	C	D	E
Priorities (Category)	Priority Description	Location of Public ADA Complaint and/or Request from a Qualified Individual with a Disability	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	See Category 1 Description	A1 (High Priority)	B1 (High Priority)	C1 (High Priority)	D1 (High Priority)	E1 (Medium Priority)
2	See Category 2 Description	A2 (High Priority)	B2 (High Priority)	C2 (High Priority)	D2 (Medium Priority)	E2 (Medium Priority)
3	See Category 3 Description	A3 (High Priority)	B3 (Medium Priority)	C3 (Medium Priority)	D3 (Medium Priority)	E3 (Low Priority)
4	See Category 4 Description	A4 (High Priority)	B4 (Low Priority)	C4 (Low Priority)	D4 (Low Priority)	E4 (Low Priority)
5	No deficiencies identified	A5 (No Deficiencies)	B5 (No Deficiencies)	C5 (No Deficiencies)	D5 (No Deficiencies)	E5 (No Deficiencies)

⁷⁸ The priorities listed are specified under Title II 28 CFR Section 35.150 (d).

Pedestrian Access Route Barrier Category Descriptions

Table 3.13: Pedestrian Access Route Category 1 Descriptions

Road Classification Category (y-axis)	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
The constructed width of the sidewalk width is less than 36 inches at some point along the sidewalk.															
The sidewalk cross slope exceeds four percent for a majority of the sidewalk segment.															
Running slope of crosswalk is greater than five percent.															
Cross slope of crosswalk with yield or stop control is greater than two percent.															
Cross slope of crosswalk with no yield or stop control is greater than five percent.															
Median in marked crossing reduces crosswalk width to less than six feet.															
The sidewalk condition is poor with cracking, spawling, heaving, or other condition.															
Vertical change in level along sidewalk greater than 3/4" creates a tripping hazard.															
A detectable warning surface is not provided at the railroad crossing.															
Railroad flangeway gap is greater than three inches for freight rail or two and a half for non-freight rail.															

Table 3.14: Pedestrian Access Route Category 2 Descriptions

Road Classification	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
Detectable warning surface placement at rail crossing is less than six feet or greater than 15 feet.															
The constructed width of the sidewalk width is less than 48 inches but greater than 36 inches at some point along the sidewalk															
The sidewalk cross slope exceeds three percent and is less than or equal to four percent for a majority of the sidewalk segment or one of the three values collected exceeded four percent cross slope.															
The sidewalk segment has a significant number of instances where the surface is not firm, stable, and slip resistant (more than two per 100 feet).															
The sidewalk has a significant number of vertical changes that exceed a quarter inch (more than four per 100 feet).															
The sidewalk has a significant number of openings greater than a half inch or are parallel to direction of travel (more than four per 100 feet).															
The sidewalk cross slope at driveway entries exceeds two percent.															
The sidewalk has a significant number of overhanging and protruding objects (more than two per 100 feet).															
The sidewalk has a significant number of obstacles that narrow the width of the walk to less than four feet (more than two per 100 feet).															

Table 3.15: Pedestrian Access Route Category 3 Descriptions

Road Classification	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
The sidewalk width is less than five feet without a passing space.															
The sidewalk cross slope exceeds two percent and is less than or equal to three percent for a majority of the sidewalk segment, or one of the three values collected exceeds three percent and is less than or equal to four percent cross slope.															
The sidewalk segment has instances where the surface is not firm, stable, and slip resistant (more than one per 100 feet).															
The sidewalk has vertical changes that exceed a quarter inch (more than two per 100 feet).															
The sidewalk has openings greater than a half inch or are parallel to direction of travel (more than two per 100 feet).															
The sidewalk has overhanging and protruding objects (more than one per 100 feet).															
The sidewalk has obstacles that narrow the width of the walk to less than four feet (more than one per 100 feet).															

Table 3.16: Pedestrian Access Route Category 4 Descriptions

Road Classification	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
The sidewalk cross slope exceeds two percent and is less than or equal to three percent for one of the three values collected for cross slope.															
Running slope of sidewalk exceeds grade of road and is greater than five percent.															
The sidewalk has vertical changes that exceed a quarter inch (equal to or fewer than two per 100 feet).															
The sidewalk has openings greater than a half inch or are parallel to direction of travel (equal to or fewer than two per 100 feet).															
The sidewalk segment has instances where the surface is not firm, stable, and slip resistant (equal to or fewer than one per 100 feet).															
The sidewalk has overhanging and protruding objects (equal to or fewer than one per 100 feet).															
The sidewalk has obstacles that narrow the width of the walk to less than four feet (equal to or fewer than one per 100 feet).															

Table 3.17: Pedestrian Access Route Category 5 Descriptions

Road Classification	Arterial					Collector					Residential Local or Urban Local				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Identified ADA Barrier															
No deficiencies identified.															

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Table 3.18: Pedestrian Access Route Barrier Summary by Rank: Sidewalks

Rank	Instances	Percent of Total
High	847	16.5%
Medium	2,409	47.0%
Low	1,865	36.4%
No Deficiency	7	0.1%
Total	5,128	100.0%

Table 3.19: Pedestrian Access Route Barrier Summary by Rank and Category: Sidewalks

Rank	Category	Priority	Instances	Percent of Total
High	1	B1	18	0.4%
High	1	C1	120	2.3%
High	1	D1	3	0.1%
High	2	B2	96	1.9%
High	2	C2	610	11.9%
Medium	1	E1	27	0.5%
Medium	2	D2	10	0.2%
Medium	2	E2	279	5.4%
Medium	3	B3	305	5.9%
Medium	3	C3	1,773	34.6%
Medium	3	D3	15	0.3%
Low	3	E3	1,373	26.8%
Low	4	B4	49	1.0%
Low	4	C4	284	5.5%
Low	4	D4	2	0.0%
Low	4	E4	157	3.1%
No Deficiencies	5	C5	5	0.1%
No Deficiencies	5	E5	2	0.0%

Table 3.20: Pedestrian Access Route Barrier Summary by Rank: Hazards

Rank	Total Instances	Percent of Total
High	4,368	5.4%
Medium	12,308	15.2%
Low	64,232	79.4%
Total	80,908	100.0%

Table 3.21: Pedestrian Access Route Barrier Summary by Rank and Category: Hazards

Rank	Category	Priority	Instances	Percent of Total
High	1	B1	153	0.2%
High	1	C1	798	1.0%
High	1	D1	19	0.0%
High	2	B2	296	0.4%
High	2	C2	3,102	3.8%
Medium	1	E1	238	0.3%
Medium	2	D2	7	0.0%
Medium	2	E2	1,154	1.4%
Medium	3	B3	1,770	2.2%
Medium	3	C3	9,069	11.2%
Medium	3	D3	70	0.1%
Low	3	E3	5,113	6.3%
Low	4	B4	4,549	5.6%
Low	4	C4	33,698	41.6%
Low	4	D4	301	0.4%
Low	4	E4	20,571	25.4%

Table 3.22: Pedestrian Access Route Barrier Summary by Rank: Crosswalks

Rank	Total Instances	Percent of Total
High	452	9.7%
Medium	179	3.8%
Low	4,021	86.4%
Total	4,652	100.0%

Table 3.23: Pedestrian Access Route Barrier Summary by Rank and Category: Crosswalks

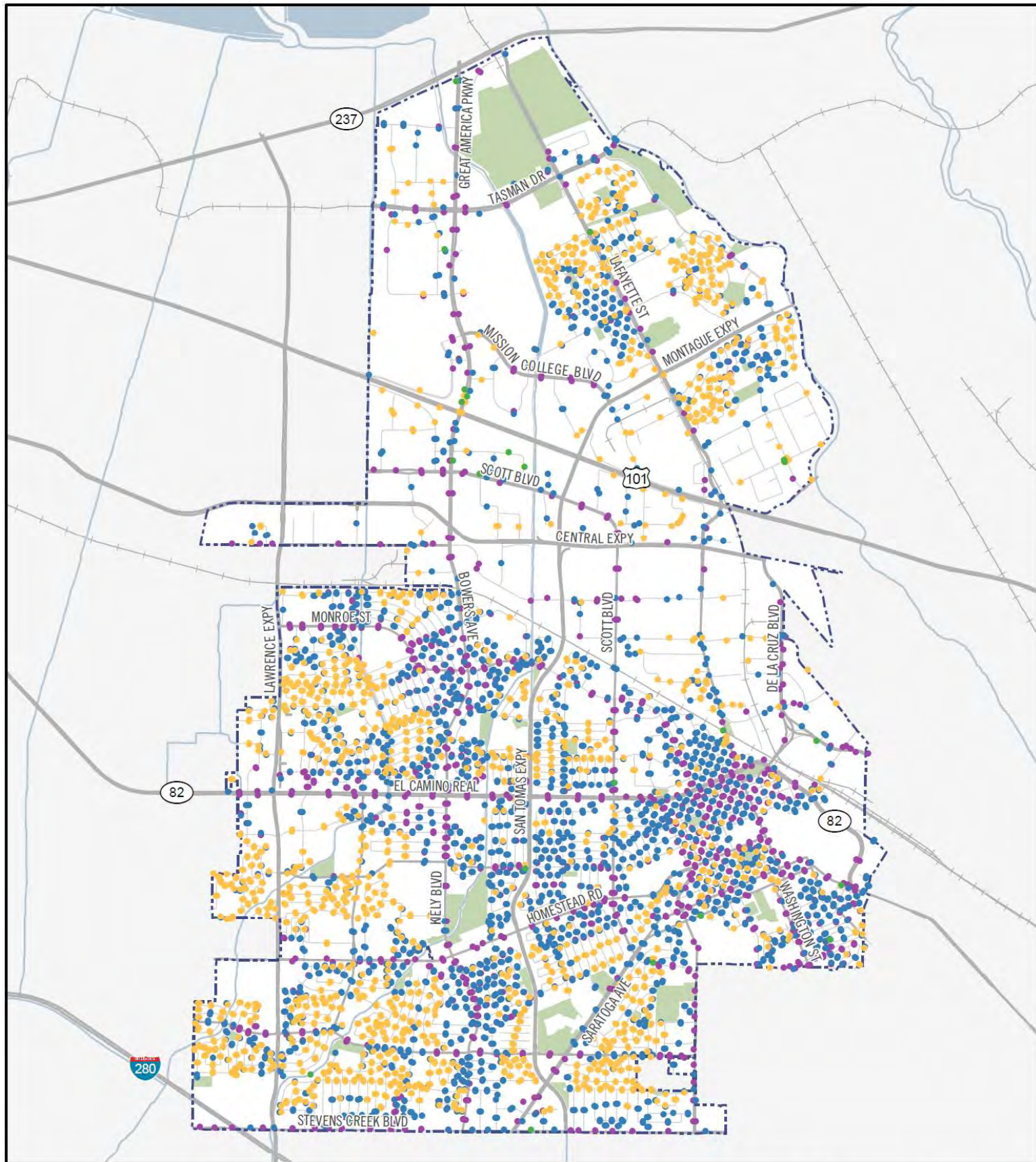
Rank	Category	Priority	Instances	Percent of Total
High	1	B1	42	0.9%
High	1	C1	173	3.7%
High	2	B2	38	0.8%
High	2	C2	199	4.3%
Medium	1	E1	52	1.1%
Medium	2	E2	127	2.7%
Low	5	B5	384	8.3%
Low	5	C5	2,293	49.3%
Low	5	D5	3	0.1%
Low	5	E5	1,341	28.8%

Table 3.24: Pedestrian Access Route Barrier Summary by Rank: Railroad Crossings

Rank	Total Instances	Percent of Total
High	42	100.0%
Total	42	100.0%

Table 3.25: Pedestrian Access Route Barrier Summary by Rank and Category: Railroad Crossings

Rank	Category	Priority	Instances	Percent of Total
High	1	B1	8	19.0%
High	1	C1	31	73.8%
High	2	B2	1	2.4%
High	2	C2	2	4.8%



City of Santa Clara ADA Self-Evaluation & Transition Plan

Map 4: Sidewalk Barrier Removal Projects: All

Barrier Removal Rank

● High
 ● Medium
 ● Low
 ● No Deficiencies Identified

Context

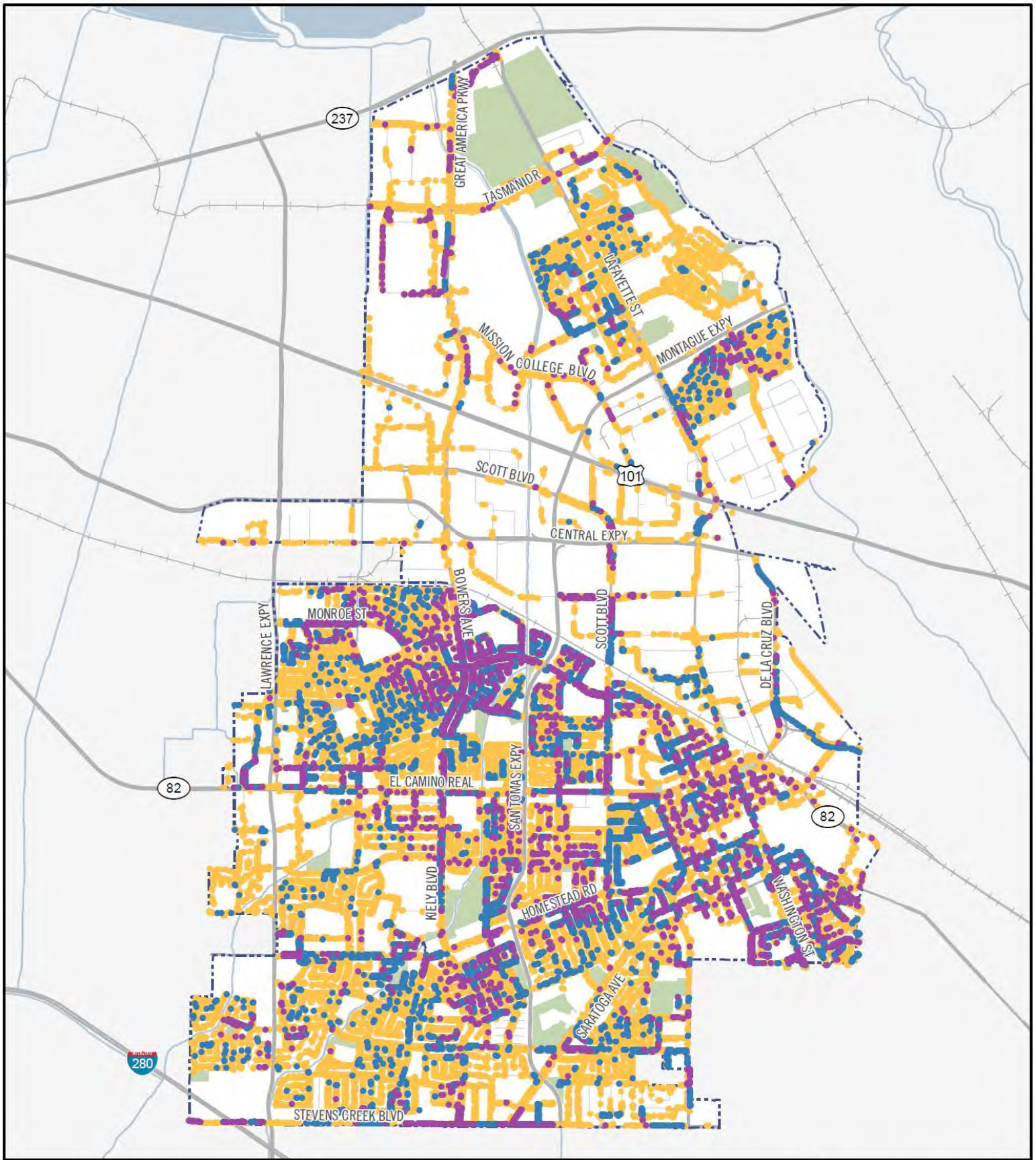
City Boundary
 Street
 Railroads
 Water Feature
 Park

0 0.5 1 Miles



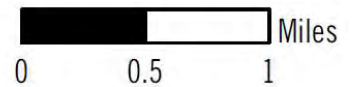
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Map 5: Hazard Barrier Removal Projects: All



Barrier Removal Rank

- High
- Medium
- Low

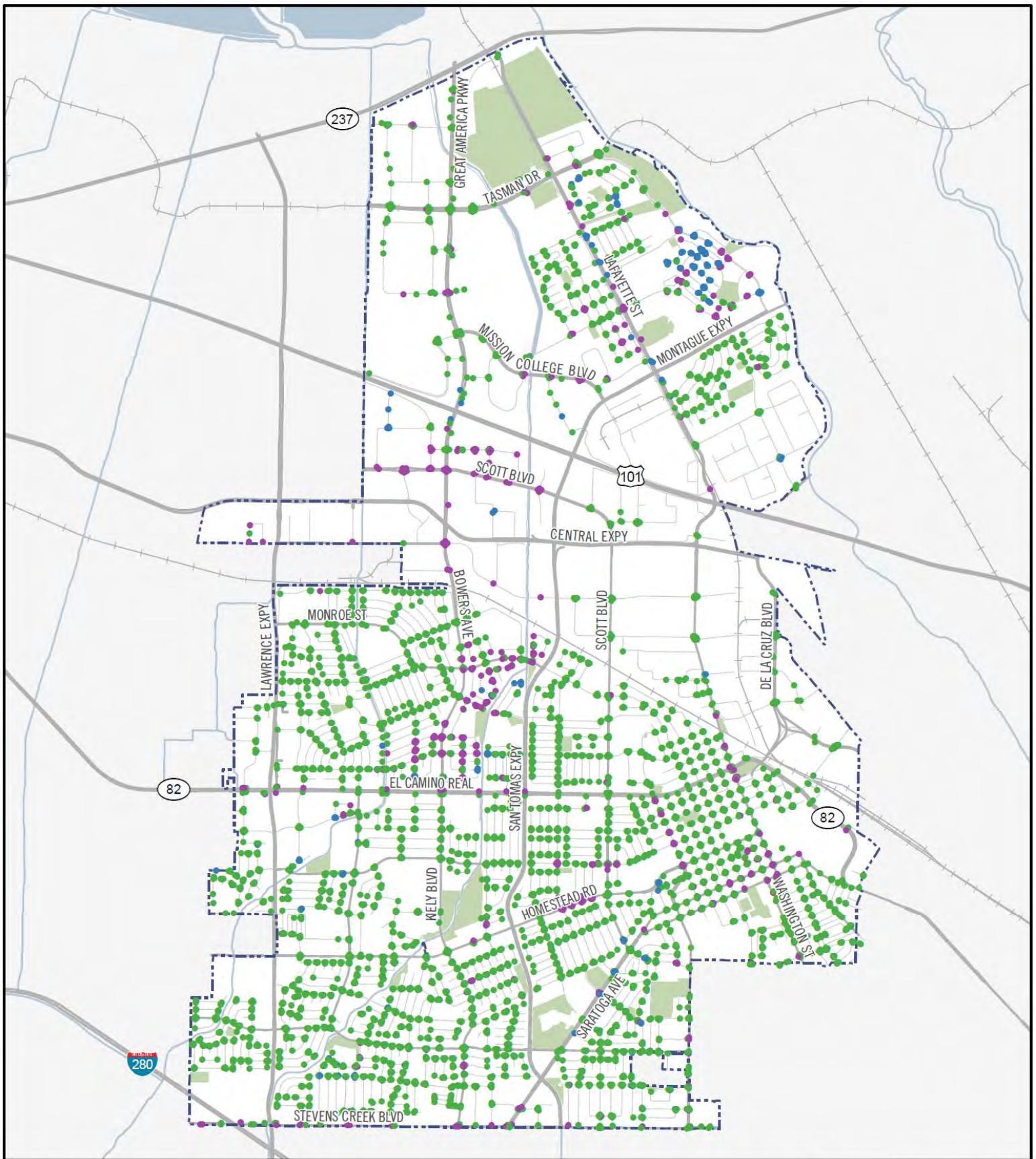
Context

- City Boundary
- Street
- Railroads
- Water Feature
- Park

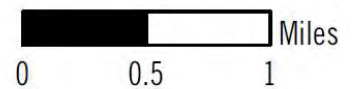


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City of Santa Clara ADA Self-Evaluation & Transition Plan
Map 6: Crosswalk Barrier Removal Projects: All



Barrier Removal Rank

- High
- Medium
- No Deficiencies Identified

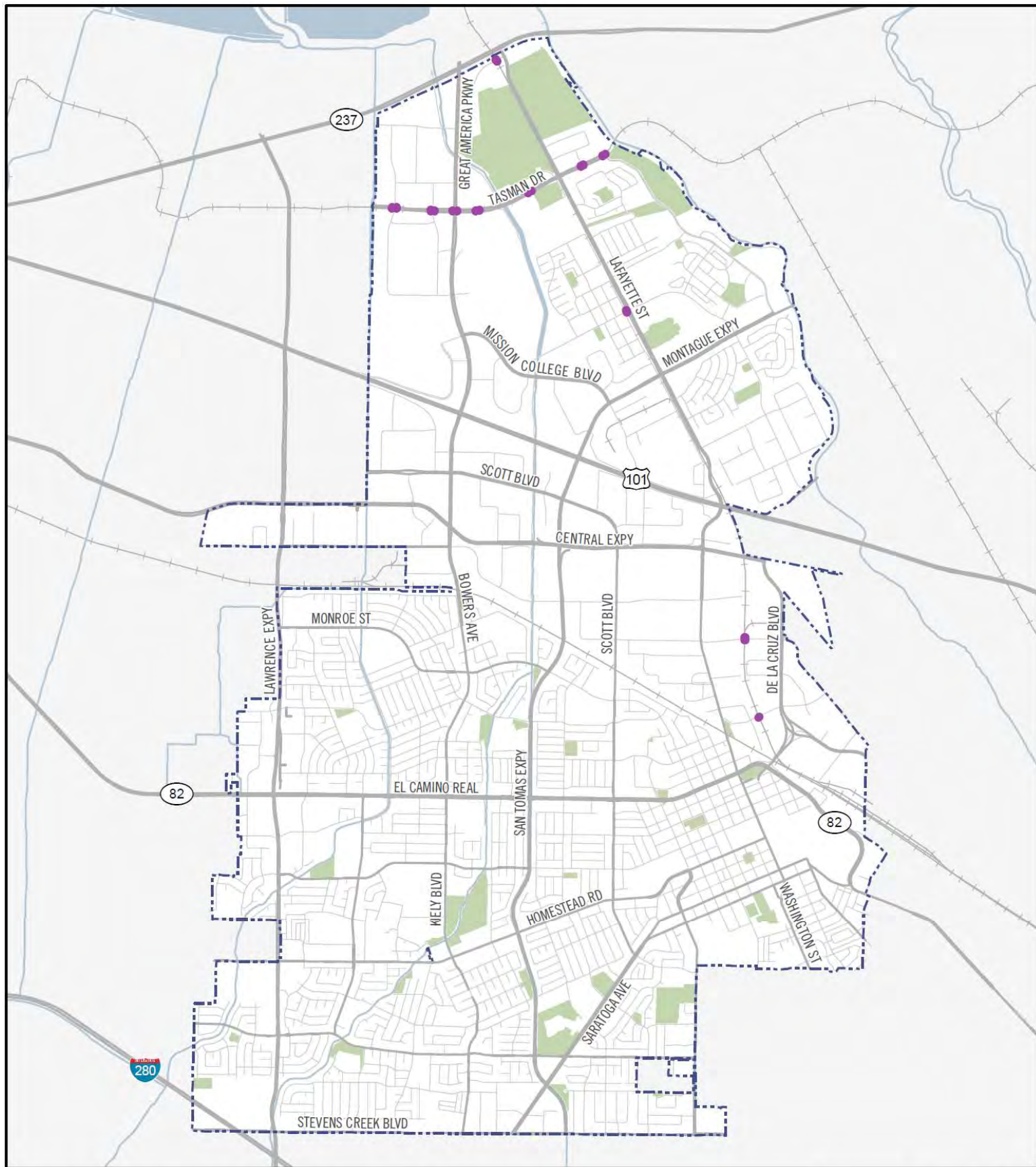
Context

- City Boundary
- Street
- Railroads
- Water Feature
- Park

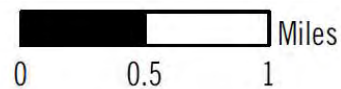


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City of Santa Clara ADA Self-Evaluation & Transition Plan
Map 7: Railroad Crossing Barrier Removal Projects: All



Barrier Removal Rank

● High

Context

City Boundary — Street — Railroads Water Feature Park



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Accessible Pedestrian Signals

Table 3.26: Accessible Pedestrian Signal Priority Matrix

		ADA 35.150(d) Geospatial Proximity Priorities ⁷⁹				
		A	B	C	D	E
Priorities (Category)	Priority Description	Location of Public ADA Complaint and/or Request from a Qualified Individual with a Disability	Location Serving Government Offices & Public Facilities	Location Serving Transportation	Location Serving Commercial Districts, Employers	Location Serving Other Areas
1	See Category 1 Description	A1 (High Priority)	B1 (High Priority)	C1 (High Priority)	D1 (High Priority)	E1 (Medium Priority)
2	See Category 2 Description	A2 (High Priority)	B2 (Medium Priority)	C2 (Medium Priority)	D2 (Medium Priority)	E2 (Medium Priority)
3	See Category 3 Description	A3 (High Priority)	B3 (Medium Priority)	C3 (Medium Priority)	D3 (Medium Priority)	E3 (Low Priority)
4	No deficiencies identified	A4 (No Deficiencies)	B4 (No Deficiencies)	C4 (No Deficiencies)	D4 (No Deficiencies)	E4 (No Deficiencies)

⁷⁹ The priorities listed are specified under Title II 28 CFR Section 35.150 (d).

Accessible Pedestrian Signal Barrier Category Descriptions

Category 1:

- Accessible pedestrian signal is not provided.
- Pedestrian crossing time is insufficient.

Category 2:

- Level clear space at push button not provided.
- Reach to push button from clear space is obstructed.
- Operating force of pushbutton exceeds five pounds of force.
- The pushbutton does not have a sign adjacent to or integral with the pushbutton.
- Pushbutton sign does not clearly indicate which crosswalk signal is actuated.
- Pushbutton pilot light (if applicable) does not activate.
- A locator tone is not provided.
- A tactile arrow is not provided.
- Pushbutton locator tone activates at incorrect time.
- Pushbutton locator tone duration and intensity needs adjustment.
- Audible features of accessible pedestrian signal need adjustment.

- Speech walk message of accessible pedestrian signal needs adjustment.
- Extended pushbutton feature needs adjustment.
- Pushbutton needs color coded identification above the control button.

Category 3:

- Pushbutton locator is more than 10 feet from curb, shoulder, or pavement.
- Pushbutton is further than five feet from the crosswalk line farthest from the intersection (when applicable).
- Pushbutton height is not within range of 42 and 48 inches above the ground.
- Pushbutton and arrow are not parallel with the direction of travel.
- Distance between two pushbuttons on the same corner is less than 10 feet.

Category 4:

- No deficiencies identified.

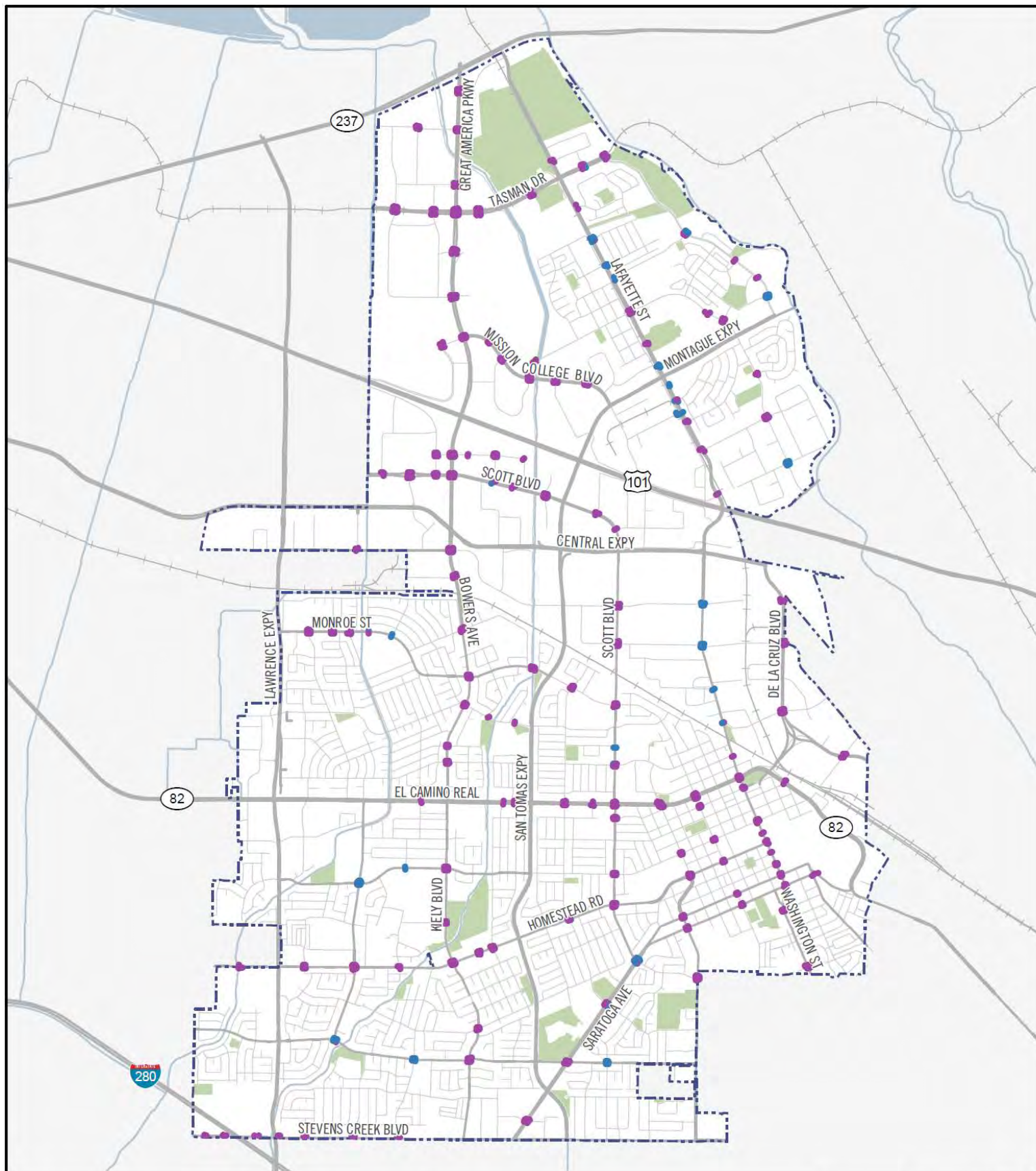
Table 3.27: Pedestrian Signal Barrier Summary by Rank

Rank	Total Instances	Percent of Total
High	824	87.4%
Medium	119	12.6%
Total	943	100.0%

Table 3.28: Pedestrian Signal Barrier Summary by Rank and Category

Rank	Category	Priority	Instances	Percent of Total
High	1	B1	186	19.7%
High	1	C1	628	66.6%
High	1	D1	10	1.1%
Medium	1	E1	103	10.9%
Medium	2	C2	11	1.2%
Medium	2	D2	1	0.1%
Medium	2	E2	4	0.4%

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City of Santa Clara ADA Self-Evaluation & Transition Plan

Map 8: Pedestrian Signal and Pushbutton Barrier Removal Projects: All

0 0.5 1 Miles

Barrier Removal Rank

• High • Medium

Context

City Boundary Street Railroads Water Feature Park



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On-Street Parking

Existing on-street parking spaces that were identified as accessible spaces were evaluated using the 2011 PROWAG and the 2014 CA MUTCD. The evaluation only included spaces located within commercial areas. On-street accessible parking facilities requested by individuals in residential areas are considered outside the scope⁸⁰ of PROWAG R214 and were not evaluated.⁸¹ Furthermore, the evaluation did not include an evaluation of all marked or metered on-street spaces with regards to determining if designated accessible spaces are required to be provided as that was considered outside the scope of accessibility standards at the time the evaluation was conducted. The City identified 40 marked and metered designated accessible parking spaces located in commercial areas, which are summarized below and shown in Map 9.

Table 3.29: On-Street Parking Barrier Summary

Deficiency⁸²	Number of Parking Spaces	Percentage of Parking Spaces
Deficiency with marked space length or width	10	25.0%
Deficiency with marked space length or width, sign deficiency	4	10.0%
Deficiency with marked space length or width, sign deficiency, missing access aisle	1	2.5%
Deficiency with marked space length or width, markings deficiency ⁸³	5	12.5%
Sign deficiency	2	5%
Sign deficiency, Markings deficiency	1	2.5%
Missing access aisle	4	10.0%
Markings deficiency	2	5.0%
No deficiencies identified	11	27.5%
Total	40	100.0%

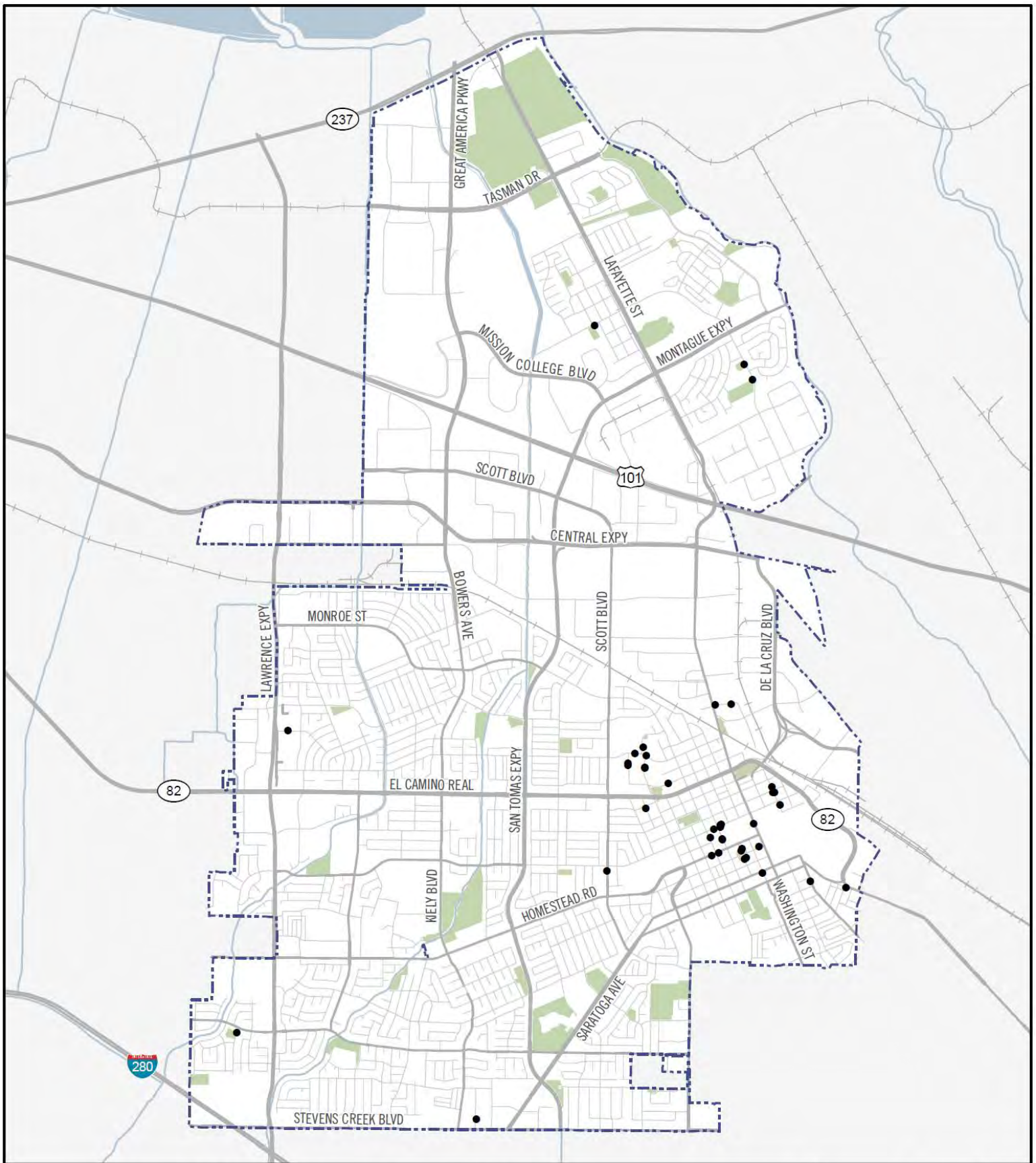
⁸⁰ The Access Board was contacted in July of 2019 to clarify the scope of the on-street parking standards and whether the scope and technical standards apply to residential installations. The Access Board's reply noted that in general the parking standards do not apply to residential areas but there are sometimes exceptions.

⁸¹ *Fortune v. City of Lomita*, 766 F.3d 1098 (9th Cir. 2014)

⁸² Does not meet accessibility standards.

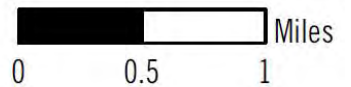
⁸³ Includes missing or deteriorating ISA, blue curb markings, or access aisle striping.

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City of Santa Clara ADA Self-Evaluation & Transition Plan

Map 9: On-Street Parking



Barrier Removal Rank

- Location of Designated Accessible On-Street Parking Space

Context



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Schedule for Public Right-of-Way Improvements

The transition plan proposes an approach to identify specific practices and activities in each category of accessibility barriers identified to systematically remove barriers for the first 10 years of the Plan's implementation. After the first 10 years of the Plan's implementation, the City will perform an update to the Plan to assess the barriers removed, barriers remaining, and the priorities and schedule for removal of barriers in the subsequent timeframe.

Barriers will be removed through a variety of practices and activities such as new construction, roadway alterations, maintenance and repair projects, and policies or practices that specifically address the removal of accessibility barriers.

The first 10-year period of the Plan's implementation emphasizes the removal of High Priority barriers according to the practices and activities described herein. Medium and low priority barriers will be addressed through the same mechanisms but will be scheduled on a project-by-project basis using the prioritization criteria. The Plan will also be administered on an ongoing basis to incorporate barrier removals within projects for new construction and alterations in the public right-of-way as they emerge. The City reserves the right to modify barrier removal priorities to allow flexibility in accommodating public requests and funding opportunities and constraints.

As part of this planning process a GIS inventory was developed of the barriers identified within the public right-of-way. The resulting GIS inventory is intended to be the Plan's tracking tool for on-going planning and tracking of barriers removed under various activities and practices throughout the Plan's implementation. The on-going planning and tracking will assist the City in moving towards a barrier free environment in the public right-of-way.

Current and Recent Public Right-of-Way Barrier Removal Projects

Prior to and during the planning process for this Plan, the City has been actively engaged in barrier removal activities through Public Works Capital Improvement Projects. The following is a list of recent Capital Improvement Projects implemented by the Public Works Department within the Public Right-of-Way that were planned, started, or completed during development of this Plan that includes barrier removal activities:

- 2019 Pavement Rehabilitation Project
- 2020 Pavement Preservation Project
- 2020 Annual Street Maintenance and Rehabilitation Project
- 2021 Annual Street Maintenance and Rehabilitation Project
- 2022 Annual Street Maintenance and Rehabilitation Project
- 2023 Annual Street Maintenance and Rehabilitation Project
- Stevens Creek and Winchester Boulevards Resurfacing Project
- ADA Curb Ramps FY 2019-20 Project
- 2022 ADA Curb Ramps Project
- 2023 ADA Curb Ramps Project
- Public Right-of-Way ADA Improvements Projects, Packages 1, 2, and 3

- Santa Clara School Access Improvements Project

The above list should not be considered as comprehensive in listing all of the projects or activities that the City has engaged in towards removing barriers within the public right-of-way prior to or during development of this Plan, but rather should be considered as indicative of demonstrating City's efforts towards removing barriers. The details of specific barriers removed under each project or activity are available within City's records for each project or activity and are not specifically listed in this Plan. Planned, started, or completed projects or activities during the development of this Plan are incorporated into this Plan by reference.

Curb Ramps and Crosswalks

The City currently has a variety of practices and activities in place that remove curb ramp and crosswalk barriers. The City will continue to implement and enhance these practices and activities to remove curb ramp and crosswalk barriers as follows:

- The City currently has in place a pavement management program that schedules roadway rehabilitation and maintenance on an annual basis. Based on guidance published by the FHWA⁸⁴, replacement of curb ramps is implemented as part of pavement projects based upon the type of pavement treatment involved. On average, over the recent past pavement projects completed prior to and concurrent with development of this Plan, an average of 40 to 60 curb ramps have been replaced annually through pavement projects. The City will continue to implement this practice and it is anticipated that up to 500 curb ramps may be replaced in the initial 10-years of this Plan through pavement maintenance projects, assuming replacement rates and funding remain consistent with recent past pavement projects and likewise that budgets and construction costs remain consistent;
- The City has historically implemented a stand-alone curb ramp project for annual or biennial implementation in its Capital Improvement Program. This curb ramp project has been able to implement approximately 20 to 30 high priority curb ramps per project depending upon the funding available. This City intends to continue to include this project in the Capital Improvement Program during the initial 10-years of this Plan. Depending upon the consistency of availability of funds for curb ramps, it is anticipated that up to 300 ramps may be installed or replaced during this 10-year time period assuming future budgets for this project remain consistent with recent past budgets and escalate with rising construction costs. The City intends that this stand-alone curb ramp project will continue to be focused on implementing high-priority curb ramps;
- The City currently as part of its pavement management program evaluates the removal of crosswalk barriers on a project-by-project basis based upon the type of pavement maintenance work involved and the barrier(s) identified. For example, streets that are rehabilitated (e.g. reconstructed or resurfaced) and are therefore considered an alteration are evaluated for re-grading of the crosswalks. The City will continue to evaluate crosswalk barriers during the design of pavement rehabilitation projects and crosswalk barrier removals will be implemented to the maximum extent feasible;
- The City includes requirements within its Code of Ordinances and other rules and regulations that require public improvements for property development projects and building permits. These public improvements also include addressing accessibility barriers. The City intends to continue enforcing these requirements. While it is impossible to predict the specific property development projects within the next 10-years, it is anticipated that

⁸⁴ Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing <https://www.fhwa.dot.gov/civilrights/programs/ada/doj_fhwa_ta.cfm> and Supplement to the 2013 DOJ/DOT Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing <https://www.fhwa.dot.gov/civilrights/programs/ada/ada_resurfacing_qa.cfm>

barriers identified under the development of this Plan will be removed by non-City entities as part of property development activities.

Other actions the City will take include:

- Develop standard operating practices that improve communications with other jurisdictions and outside entities regarding identified barriers along shared right-of-way facilities and enforcement of barrier removal responsibilities;
- Develop and link maximum extent feasible (MEF) documentation to the crosswalk and curb ramp inventory and develop a process for recording this MEF documentation with any alterations or new construction;
- The City will review locations where the curb ramp barrier inventory identifies the absence of a curb ramp at “T” intersections and evaluate location specific conditions, including parking, and pedestrian and traffic safety, and maximum extent feasible criteria to determine if a curb ramp at a “T” intersection is appropriate;
 - This Plan does not adopt a policy to place a curb ramp at every “T” intersection and inclusion of a curb ramps at “T” intersections will be evaluated on a case-by-case basis depending upon site specific considerations for evaluation by City staff;
- Update the City’s standard details and specifications for public works construction for curb ramps taking into consideration the recommendations identified during the self-evaluation process;
- Street crossings involved in Capital Improvement Projects specifically for pedestrian access improvements, such as curb ramp or transportation projects, will be evaluated during the design of those projects and curb ramp and crosswalk barrier removals will be implemented based upon site-specific considerations and maximum extent feasible criteria on a case-by-case basis;
- The City currently logs and tracks complaints and/or requests for curb ramps. This practice will continue, and complaints and/or requests will be addressed in accordance with the prioritization criteria and practices described in this Plan;
- City staff monitors and applies for grant opportunities. City staff will continue this practice and prioritize projects that implement curb ramp and pedestrian street crossing improvements when applying for grants if eligible under the specific grant.

Pedestrian Signals

In addition to curb ramps and pedestrian access routes, recipients and subrecipients of Federal Highway Administration funding are required to establish a reasonable and consistent policy for installing accessible pedestrian signals and pushbuttons (APS)⁸⁵.

The City currently has a variety of practices and activities in place that improve pedestrian signals to remove accessibility barriers. The City will continue to implement and enhance these practices and activities to pedestrian signal accessibility barriers as follows, subject to funding availability:

- All new pedestrian signals and pedestrian hybrid beacons will include an Accessible Pedestrian Signal (APS);
- Activities that add pedestrian signals to existing signals will include APS;
- Activities that add or replace pedestrian push buttons to existing signals will include APS based on NCHRP Web-Only Document 150: Accessible Pedestrian Signals: A Guide to Best Practices (Workshop Edition 2010);
- APS will be considered for installation on existing signals when requested by the public and based on NCHRP Web-Only Document 150: Accessible Pedestrian Signals: A Guide to Best Practices (Workshop Edition 2010);
- Projects that significantly modify pedestrian signals, as determined by City staff, will include APS;
- APS installed on existing signals as stand-alone focused activities will be per a priority ranking basis per the prioritization criteria contained within this Plan and within available funding;
- As part of pavement maintenance and rehabilitation projects where curb ramps are involved at signalized intersections, the City's historical practice has been to evaluate the pedestrian push buttons for placement in relation to the curb ramps and to improve pedestrian push buttons as needed to comply with accessibility guidelines. In recent past projects since 2019, the City has modified approximately 30 push button instances to remove barriers. The City will continue to implement this practice and it is anticipated that up to 100 push button instances will be addressed in the initial 10-years of this Plan through pavement maintenance projects, assuming rates remain consistent with recent past pavement project and likewise budgets and construction costs remain consistent;
- Instances that can be improved with programming or modifications to existing equipment, such as length of crossing time, will be prioritized for improvement through operational practices and are expected to be fully accomplished within the initial 10-year period of this Plan;
- Equipment that does not comply with accessibility criteria that becomes scheduled for replacement through routine operations and maintenance will be replaced with compliant equipment to the maximum extent feasible;

⁸⁵ DOJ, Title II Regulations Subpart B § 28 CFR Part 35.130 and 35.160a(1) and Federal Transportation, Subpart A § 49 CFR Part 27.7(c)

- The City's Capital Improvement Program has historically included projects for traffic signal improvements. Existing and future traffic signal Capital Improvement Projects following acceptance of this Plan will be evaluated to include improvement of accessibility elements of the signals to the maximum extent feasible and within available funding;
- The City's Traffic Mitigation Fee (TMF), last updated in 2019, includes a project for Accessible Pedestrian Signals against which funds are collected as development projects are approved. City intends to continue to collect these TMF fees and include the APS project as one of the listed projects in the TMF and will implement installation of APS as funds become available. Based on historical and projected funding levels, it is anticipated that potentially 60 APS locations may be installed within the initial 10-year period of this Plan;
- City staff monitors and applies for grant opportunities. City staff will continue this practice and prioritize projects that implement pedestrian signal enhancements when applying for grants if eligible under the specific grant.

Pedestrian Access Routes

The City currently has a variety of practices and activities in place that improve pedestrian access routes to remove accessibility barriers. The City will continue to implement and enhance these practices and activities to remove address pedestrian access route barrier removals as follows:

- The City has historically implemented a Capital Improvement Program project for curb, gutter, and sidewalk maintenance and repair. This program has been able to accomplish approximately an average of 130 locations annually. The City intends to continue to include this project in the Capital Improvement Program during initial 10 years of this Plan. Depending upon the consistency of availability of funds, it is anticipated that up to 1,000 sidewalk location will be improved during this 10-year time period time period assuming future budgets remain consistent with recent past budgets and escalate with rising construction costs;
- The City includes requirements within its Code of Ordinances and other rules and regulations that require public improvements for property development projects and building permits. These public improvements also include addressing accessibly barriers. The City intends to continue enforcing these requirements. While it is impossible to predict the specific property development projects within the next 10-years, it is anticipated that barriers identified under the development of this Plan will be removed by non-City entities as part of property development activities;
- The City adopted a Pedestrian Master Plan in 2019 that includes priorities for pedestrian focused transportation projects including accessibility projects. The City intends to continue to seek funding for the projects identified in the Pedestrian Master Plan and it is anticipated that accessibility barriers along pedestrian access routes identified under development of this Plan will be removed concurrently through Pedestrian Master Plan projects as funding becomes available;

Other actions the City will take include:

- The curb, gutter, and sidewalk maintenance and repair program will be further evaluated following acceptance of this Plan for opportunities to include a component specifically focused on removing ADA barriers identified in this Plan beyond spot inspection and repairs and requests by the public. City employees responsible for the curb, gutter, and sidewalk maintenance and repair program will receive training to identify accessibility barriers during routine work duties ensuring that the identification of barriers is not a one-time snapshot in a City that is continually changing;
- The City will evaluate practices to enhance its tracking of repairs under the curb, gutter, and sidewalk maintenance and repair program to incorporate the tracking of removal of accessibility barriers identified in this Plan;
- Develop standard operating practices that improve communications with other jurisdictions and outside agencies, such as utility or transit entities, regarding identified barriers along shared right-of-way facilities;

- Review the inventory of hazards for instances where City-owned or non-City utilities create an accessibility barrier such as utility cover openings, non-slip resistant covers, or obstructions to the clear width of the accessible route and coordinate activities to complete barrier removal activities by City or non-City entities;
- Within the City Code⁸⁶, the responsibility for sidewalk maintenance and repair is placed upon abutting property owners consistent with section 5610 of the California Streets and Highways Code. The City has historically not enforced this ordinance and has instead provided the curb, gutter, and sidewalk maintenance and repair Capital Improvement Program project as a courtesy to the public. The City reserves the right to further explore changes to policies and practices to engage property owners in the maintenance of the sidewalks adjacent to their properties which may concurrently involve removal of accessibility barriers;
- City staff monitors and applies for grant opportunities. City staff will continue this practice and prioritize projects that implement removal of accessibility barriers along pedestrian access routes when applying for grants if eligible under the specific grant.

⁸⁶ Chapter 12.30 Sidewalks

On-street Parking

The barriers identified for on-street parking within the scope of this Plan include elements related to traffic striping and signs at existing marked on-street accessible parking areas. The City intends to implement on-street parking barrier removals as part of ongoing routine maintenance, or in conjunction with other projects, as follows:

- Striping barriers identified at marked on-street accessible spaces will be re-striped per current accessibility standards as part of routine re-striping maintenance activities when the striping becomes due for replacement. Since a typical service life of striping ranges from between 3 to 7 years, it is anticipated that all on-street parking barriers due to striping will be addressed within the initial 10-years of this Plan through routine maintenance;
- Sign barriers identified at marked on-street accessible spaces will be replaced with signs per current accessibility standards as part of routine sign maintenance when the signs become due for replacement;
- Marked or metered accessible on-street parking involved in Capital Improvement Projects, such as street resurfacing projects or facility projects involving path-of-travel improvements from the street, will be evaluated during the design of those projects and on-street parking barrier removals will be implemented as part of that specific project, to the maximum extent feasible and within funding availability for the project;
- While not examined within the scope of this Plan, based upon implications derived under the *Fortune v. City of Lomita* case, the City will evaluate the number of marked on-street accessible spaces provided in relation to the number of marked on-street spaces provided within the first 10-years of this Plan. As part of this evaluation, the City will review and develop policies and practices related to accessibility for marked or metered on-street parking spaces. For example, the City may consider elements related to:
 - Applying ratios of accessible spaces to total spaces as prescribed by the California Building Code for parking lots to marked or metered on-street spaces on a by street, by block, by area, by corridor, or by district basis;
 - The technical accessibility standard to apply to marked on-street parking spaces, in the absence of a legally accepted technical standard;
- The City includes requirements within the City Code and other rules and regulations that require public improvements for property development projects and building permits. These public improvements also include addressing accessibility barriers. The City intends to continue enforcing these requirements. While it is impossible to predict the specific property development projects within the next 10-years, it is anticipated that the barriers identified under the development of this Plan will be removed by non-City entities as part of development activities.

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4 Barrier Removal Considerations for Plan Implementation

Title II of the ADA requires a public entity to “operate each service, program or activity so that the program, activity, or service, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.” This requirement does not:

- Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;
- Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or
- Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program, activity, or service or impose undue financial and administrative burdens.

The City will accomplish barrier removals based on two strategies: policy and procedure modifications to remove programmatic barriers and maintenance and construction projects to remove structural barriers.

4.1 Triggers for Barrier Removal

The responsibility for ensuring barrier removal will reside with the City’s ADA Coordinator or designee. In compliance with the ADA, the City will maintain in working order features that are required to provide access to individuals with disabilities. There are two conditions that determine when barriers must be removed: to provide access to programs, activities, and services, and when a facility is altered.

Program Accessibility

A public entity must ensure that individuals with disabilities are not excluded from programs, activities, and services because existing buildings are inaccessible. A state or local government's programs, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as program accessibility, applies to facilities of a public entity that existed on or prior to January 26, 1992. Public entities do not necessarily have to make each of their existing facilities accessible (see Section 1 Discrimination and Accessibility). As mandated by Title II of the ADA, this transition plan presents a schedule for removing facility barriers to accessing the City’s programs, activities, and services.

Facility Alterations

The City is also required to remove physical barriers when it alters a facility. Alterations are defined in the ADA standards (§106.5) as “a change in a building or facility that affects or could affect the usability of a building or facility or portion thereof.” Many types of projects are considered alterations, including remodeling, renovation, rehabilitation, reconstruction,

restoration, resurfacing of circulation paths or vehicular ways, and changes or rearrangement of structural parts, elements, or walls. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not considered alterations unless they affect a facility's usability. For example, a project limited to an HVAC system that includes the addition of thermostats would affect a facility's usability because it involves elements (operable parts) covered by the standards.

Both the ADA under Section 35.151 (b) Alterations and the CBC under 11B-202.4 Exception 4 specify that additional path of travel improvements are not required where alterations are performed solely for the purpose of barrier removal when undertaken pursuant to the requirements of the ADA or the accessibility requirements of the CBC.⁸⁷

The standards ensure that opportunities for accessibility presented by an alteration are taken. How and to what extent the standards apply is determined by the scope of a project and the elements and spaces altered. Only those elements or spaces altered are required to comply, but alterations made to areas containing a primary function (a major activity for which a facility is intended) also require an accessible path of travel.

When altering a primary function area, the ADA requires that existing barriers in the path of travel to this area must be removed to the maximum extent that is technically feasible. Path of travel elements include, but are not limited to, restrooms, doors, telephones, drinking fountains, and the route itself. The expense for making these additional elements accessible is considered disproportionate if it exceeds 20 percent of construction costs; therefore, the additional amount an agency is required to spend on construction costs for path of travel improvements would be a maximum of 20 percent. The following is a rank-ordered list of priorities for making improvements to path of travel element:

1. An accessible entrance;
2. An accessible route to the altered area;
3. At least one accessible restroom for each gender or a single gender-neutral restroom,
4. Accessible telephones;
5. Accessible drinking fountains; and
6. When possible, additional accessible elements such as parking, storage, and alarms.

The CBC does not allow this 20 percent ceiling if construction costs are greater than the current year's valuation threshold. The 2023 valuation threshold is \$195,358; however, this amount is subject to annual increases. If the construction budget exceeds the valuation threshold (computed over a three-year period), then all path of travel elements supporting the area of renovation are required to be made accessible regardless of cost. Therefore, the additional amount an agency is required to spend on construction costs for path of travel improvements is limited to 20 percent if construction costs are below the current valuation threshold. However,

⁸⁷ See DOJ. State and Local Government Facilities: Guidance on the Revisions to 28 CFR 35.151 in Guidance on the 2010 ADA Standards for Accessible Design <<https://www.ada.gov/law-and-regs/design-standards/standards-guidance/>>

if construction costs exceed the valuation threshold, then all supporting path of travel elements need to be made accessible. Additional information about California's valuation threshold is included in Section 6 of the Plan.

The City is not required to remove barriers identified within a City-owned facility as part of the transition plan:

- Where programmatic modifications can be made to provide an equivalent experience;
- Where there are nearby and available equivalent accessible features;
- Where there are no public programs or activities provided at that portion of the site; or
- When safe harbor conditions are met.

It is also possible that an alteration is technically infeasible. Compliance for an alteration is not required where it is "technically infeasible." The term is defined as "something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements."⁸⁸ Where technical infeasibility is encountered, compliance is still required to the maximum extent technically feasible.⁸⁹

Public Right-of-Way Alterations and New Construction

In an alteration or new construction project, the City must incorporate ADA accessibility standards to the maximum extent feasible.⁹⁰ As part of the Plan's implementation, the City should document all design exceptions.

When pre-ADA streets or sidewalks are altered, there may be space limitations that restrict how much they can be altered to install accessible curb ramps. In these cases, the curb ramps installed must meet the accessibility requirements of the ADA to the maximum extent feasible. Scoping requirements in the ADA Standards establish limitations for the running slope of the ramp run of curb ramps installed during alterations to pre-ADA streets and walkways.⁹¹

The Civil Rights Division recognizes that there will be very rare instances when it will be technically infeasible for a curb ramp installed during alterations to pre-ADA roadways and walkways to be constructed in full and strict compliance with the requirements of ADA Standards § 4.1.6(3)(a) and § 4.7 because of physical or site constraints. In such circumstances, state and local governments must install curb ramps that provide

⁸⁸ Access Board. "Guide to the ADA Standards – Chapter 2: Alterations and Additions" <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/guide-to-the-ada-standards/chapter-2-alterations-and-additions>

⁸⁹ DOJ. 2010 ADA Standards. 202.3 Alterations

⁹⁰ DOJ, Title II Regulations Subpart D §35.151(b) Existing facilities

⁹¹ ADA Standards § 4.1.6(3)(a)

accessibility to the maximum extent feasible.⁹² Before reaching a conclusion about technical infeasibility, state and local governments need to consider the extent to which physical or site constraints can be addressed by alternative curb ramp designs. The burden of proving technical infeasibility lies with the state or local government that constructed it.

When highways, streets, and roads are built or altered post-ADA, they must have curb ramps at certain locations. Curb ramps must be located wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, including any intersection where it is legal for a pedestrian to cross the street, whether or not there is any designated crosswalk. Curb ramps must also be located wherever there are curbs or other barriers to entry at any designated pedestrian crosswalks that are located mid-block. Likewise, when sidewalks or walkways are built or altered post-ADA, they must include curb ramps or other sloped areas wherever they intersect with highways, streets, or roads and pedestrians may legally cross the vehicular way as well as at public transportation stops.

By contrast, for pre-ADA highways, streets, roads, and sidewalks that have not been altered, state and local governments may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb. However, they are not necessarily required to do so. Under a more flexible standard called “program access,” alternative routes to buildings may be acceptable where people with disabilities must travel only a marginally longer route than the general public.⁹³

Roadway Alterations and Maintenance: Triggers for Barrier Removals

The DOJ, in coordination with the U.S. Department of Transportation (DOT), specifies that public entities are required to provide curb ramps or upgrade curb ramps whenever roadways are altered. An alteration is a change that affects or could affect the usability of all or part of a building or facility.⁹⁴ Alterations of streets, roads, or highways include activities such as reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect.⁹⁵ Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations⁹⁶ and do not trigger barrier removal. The following list distinguishes between roadway alterations and maintenance activities based upon the joint DOJ/DOT guidance.

⁹² ADA Standards § 4.1.6(1)(j)2

⁹³ <https://www.ada.gov/pcatoolkit/chap6toolkit.htm>

⁹⁴ DOJ, Title II Regulations Subpart D § 35.151(b)(1) Alterations

⁹⁵ 2010 ADA Standards, 106.5

⁹⁶ July 8, 2013 DOJ/Department of Transportation Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing

Alteration

- Addition of new layer of asphalt
- Cape seals
- In-place asphalt recycling
- Microsurfacing and thin-lift overlay
- Mill and fill / mill and overlay
- New construction
- Open-graded surface course
- Rehabilitation and reconstruction
- Resurfacing of a crosswalk

Maintenance

- Chip seals
- Crack filling and sealing
- Diamond grinding
- Dowel bar retrofit
- Fog seals
- Joint crack seals
- Joint repairs
- Pavement patching
- Painting or striping lanes
- Scrub sealing
- Slurry seals
- Spot high-friction treatments
- Surface sealing

4.2 Safe Harbor Provisions⁹⁷

The 2010 Standards introduced the concept of safe harbor, a new exception that allows facilities built prior to March 15, 2012, that complied with the 1991 ADA Standards to remain as-is until a public entity plans an alteration to the structural feature. For example, the 1991 Standards allowed a maximum of 54 inches for side reach range, while the 2010 Standards lowered the side reach range to a maximum of 48 inches. Existing items, built prior to March 15, 2012, that are positioned at the 54-inch height would fall under the safe harbor provision until the time of planned alterations.⁹⁸

This safe harbor is not a blanket exemption for facilities. If a public entity undertakes an alteration to a primary function area, only the required elements of a path of travel to that area that already comply with the 1991 Standards are subject to the safe harbor. If a public entity undertakes an alteration to a primary function area and the required elements of a path of travel to the altered area do not comply with the 1991 Standards, then the public entity must bring those elements into compliance with the 2010 Standards.⁹⁹

⁹⁷ DOJ. "State and Local Government Facilities: Guidance on the Revisions to 28 CF" in Guidance on the 2010 ADA Standards for Accessible Design available at <https://www.ada.gov/regs2010/2010ADASTandards/Guidance2010ADASTandards.htm#titleII>.

⁹⁸ DOJ, Title II Regulations Subpart D § 35.150(b)(2)(i) Safe harbor. Elements that have not been altered in existing facilities on or after March 15, 2012, and that comply with the corresponding technical and scoping specifications for those elements in either the 1991 Standards or in the Uniform Federal Accessibility Standards.

⁹⁹ DOJ, Title II Regulations Subpart D § 35.151(b)(4)(ii)(C) Path of travel--safe harbor

This exception applies to elements that might otherwise have to be modified under:

- The program access requirement for public entities;
- The readily achievable barrier removal requirements for places of public accommodation; or
- The path of travel requirement for any alteration that affects the usability of a primary function area in any covered facility.

If a public entity constructed or altered required elements of a path of travel in accordance with the specifications in either the 1991 Standards or the Uniform Federal Accessibility Standards before March 15, 2012, the public entity is not required to retrofit such elements to reflect incremental changes in the 2010 Standards solely because of an alteration to a primary function area served by that path of travel.¹⁰⁰ In California, the extent of required path of travel upgrades are subject to an annually adjusted valuation threshold based on the overall project cost of facility alterations regardless of federal safe harbor provisions.¹⁰¹

The 2010 Standards also identify structural elements that do not fall under the safe harbor provision. The following elements are not eligible for element-by-element safe harbor because technical or scoping specifications for them were not addressed in the 1991 ADA but were added as supplemental requirements prior to 2010.

- Residential facilities dwelling units, Sections 233 and 809.
- Amusement rides, Sections 234 and 1002; 206.2.9; 216.12.
- Recreational boating facilities, Sections 235 and 1003; 206.2.10.
- Exercise machines and equipment, Sections 236 and 1004; 206.2.13.
- Fishing piers and platforms, Sections 237 and 1005; 206.2.14.
- Golf facilities, Sections 238 and 1006; 206.2.15.
- Miniature golf facilities, Sections 239 and 1007; 206.2.16.
- Play areas, Sections 240 and 1008; 206.2.17.
- Saunas and steam rooms, Sections 241 and 612.
- Swimming pools, wading pools, and spas, Sections 242 and 1009.
- Shooting facilities with firing positions, Sections 243 and 1010.
- Miscellaneous:
 - Team or player seating, Section 221.2.1.4.
 - Accessible route to bowling lanes, Section 206.2.11.
 - Accessible route in court sports facilities, Section 206.2.12.

¹⁰⁰ DOJ, Title II Regulations Subpart D § 35.150(b)(2)(ii) Safe Harbor

¹⁰¹ 2020 CBC Chapter 2 Valuation Threshold

4.3 Undue Burden

The City of Santa Clara is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its programs, activities, or services; would create a hazardous condition resulting in a direct threat to a program participant or others; or would represent an undue financial and administrative burden.

A determination of undue financial or administrative burden can only be made under specified circumstances and procedures and carries with it the obligation of taking other actions that would ensure, to the maximum extent possible, that individuals with disabilities receive the benefits and services of the program or activity.

4.4 Historic Buildings and Facilities

Alterations to a qualified historic building or facility must comply with the 2010 Standards and the 2019 CBC.¹⁰² A qualified historic property is one that is listed in or eligible for listing in the National Register of Historic Places or is designated as historic under state or local law.

Barrier removals at City historic properties should be done in full compliance with the alterations standards for other types of buildings to the maximum extent feasible. However, if following the usual standards would threaten or destroy the historic significance of a building or site feature, the following alternative standards (which provide a minimal level of access) may be used:

- Require accessible routes from only one site access point (such as the parking lot).
- Allow ramps steeper than ordinarily permitted.
- Permit an accessible entrance that is not the one used by the general public.
- Require only one accessible toilet, and allow it to be gender neutral.
- Require accessible routes only on the level of the accessible entrance.
- Locate displays and written information where they can be seen by a seated person.

¹⁰² DOJ, Title II Regulations Subpart D § 35.151(b) Alterations: ADAAG at 36 CFR part 1191; Section 4.1.7 Accessible Buildings: Historic Preservation; and CCR, Title 24, Part 8, 2016 California Historical Building Code

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5 ADA Coordinator, Notice Policy, and Grievance Procedure

Title II of the ADA requires a state or local government agency that employs 50 or more people to designate at least one employee, often referred to as the ADA Coordinator, to coordinate the City's efforts to implement the Plan and provide the name, office address, and telephone number to staff and the public,¹⁰³ give notice of the ADA's requirements, and establish a grievance procedure.

5.1 ADA Coordinator Roles and Responsibilities

The ADA Coordinator is responsible for organizing and communicating the City's efforts to comply with and fulfill its responsibilities under Title II of the ADA, as well as all other applicable state and federal laws. The ADA Coordinator's responsibilities include investigating complaints that the City has engaged in any action prohibited by Title II. City is in the process of identifying an ADA Coordinator. The name, office address, and telephone number of the City's ADA Coordinator must be provided to interested persons.

5.2 Notice Under the Americans with Disabilities Act

Title II regulations require the City to inform the public of the rights and protections provided by the ADA for access to public programs, activities, and services. It is the obligation of the head of the public entity to determine the most effective way of providing notice to the public about their rights and the public entity's responsibilities under the ADA. Publishing and publicizing the ADA notice, such as the following example, is not a one-time requirement. Public agencies should provide the information on an ongoing basis and update the information whenever necessary. There are three main considerations for providing notice that should be considered by the City.

1. **Who is the target audience for the ADA notice?** The target audience for public notice includes applicants, beneficiaries, and other people interested in the City's programs, activities, or services. The audience is expansive and includes everyone who interacts—or would potentially interact—with the City, such as a person who uses a trail or wants to participate in a meeting.
2. **What information should the notice include?** The notice is required to include relevant information regarding Title II of the ADA and how it applies to the City's programs, activities, and services. An effective *Notice Under the Americans with Disabilities Act* would include brief statements about employment, effective communication; making reasonable modifications to policies and programs; the availability of modifications or

¹⁰³ DOJ, Title II Regulations Subpart A § 35.107 Designation of responsible employee and adoption of grievance procedures

auxiliary aids and services without charge; how to file a complaint; and contact information for the ADA Coordinator.

3. **Where and how should the notice be provided?** The head of an agency or ADA Coordinator is obligated to determine the most effective ways of providing notice on an ongoing basis, to the public about their rights and the City's responsibilities under the ADA. Examples of ways to provide notice to interested persons include: publish the notice on the City's website, include the notice with job applications, and post the notice at all facilities. The information must be effectively communicated so that it is accessible to all.

Including a *welcoming statement* to members of the public with and without disabilities in general program brochures, other marketing literature, or web pages is not required by the ADA. However, a proactive statement (such as the following example for a recreation agency) offers a more direct and open approach toward the inclusion of people with disabilities in a public entity's programs and creates greater awareness of its inclusive programs and services.

The City is committed to the spirit and intent of the Americans with Disabilities Act. We will make every effort to ensure that individuals of all abilities are fully included in all our programs, services, and facilities. For questions about our accessibility program or how we may best meet your needs in any of our programs, please call our ADA Coordinator at [contact information here].

A model notice for the Policy on Nondiscrimination on the Basis of Disability from the DOJ is on the following page.

Model Policy on Nondiscrimination on the Basis of Disability

Based on the Model Notice Provided by the Department of Justice¹⁰⁴:

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its programs, activities, or services.

Employment: The City of Santa Clara does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Santa Clara's programs, services, and activities, including qualified sign language interpreters, documents in braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, activities, and services. For example, individuals with service animals are welcomed in Santa Clara facilities, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Santa Clara, should contact the ADA Coordinator at (408) 615-3000 or by email at ADACoordinator@SantaClaraCA.gov as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Santa Clara to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of City of Santa Clara is not accessible to persons with disabilities should be directed to the ADA Coordinator at (408) 615-3000 or by email at ADACoordinator@SantaClaraCA.gov.

The City of Santa Clara will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

¹⁰⁴ The model notice and more details can be found at <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>

Based on the model notice, the City has prepared the Notice Under the Americans with Disabilities Act attached to and incorporated herein to the Plan as Attachment A.

5.3 ADA Grievance Procedure

Title II regulations also require the City to develop and publish grievance procedures to provide fair and prompt resolution of complaints under the administrative requirements of Title II of the ADA. The grievance procedure should include:

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

The grievance procedure should be distributed to all department heads, posted in public spaces of public buildings in addition to the City's website, and updated when the complaint procedure and/or the contact information for the ADA Coordinator is changed. In addition, the procedure must be available in alternative formats so it is accessible to all people with disabilities. The following is a model grievance procedure provided by the DOJ to assist in the development of the procedure.

Model Grievance Procedure under The Americans with Disabilities Act¹⁰⁵

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Santa Clara. The City of Santa Clara's Personnel Policy governs employment-related complaints of disability discrimination. The City has prepared its own grievance procedures attached to and incorporated herein to the Plan as Attachment B.

¹⁰⁵ The model grievance procedure and more details can be found at <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>

6 Definitions

For the purpose of this document, the terms defined in this section have the indicated meaning. The meaning of terms not specifically defined here or in regulations issued by the DOJ and the U.S. Department of Transportation to implement the ADA¹⁰⁶ or in referenced standards shall be as defined by collegiate dictionaries in the sense that the context implies.

Accessible. A site, building, facility, or portion thereof is deemed accessible when it is approachable and usable by persons with disabilities in compliance with technical standards adopted by the relevant Administrative Authority.

Accessible Route. A continuous unobstructed path connecting accessible elements and spaces of an accessible site, building or facility that can be negotiated by a person with a disability using a wheelchair, and that is also safe for and usable by persons with other disabilities. Interior accessible routes may include corridors, hallways, floors, ramps, elevators, and lifts. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

Administrative Authority. A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.

ADA Coordinator. The individual responsible for coordinating the efforts of the government entity to comply with Title II and investigating any complaints that the entity has violated Title II. Also known as *Disability Access Manager* or *Accessibility Manager*.

Alteration in the Public Right-of-Way. A change to an existing facility that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

Auxiliary Aids and Services. Refers to ways to communicate with people who have communication disabilities such as blindness, vision loss, deafness, hearing loss, a combination of vision and hearing loss or speech or language disorders. The key to deciding what aid or service is needed to communicate effectively with people with disabilities and their companions is to consider the nature, length, complexity, and context of the communication as well as the person's normal method(s) of communication. Auxiliary aids and services include the use of interpreters, notetakers, readers, assistive listening systems, captioning and TTYs or the provision of alternate formats such as braille, ASCII text, large-print format, recorded audio and electronic formats like CDs and DVDs.

Blended Transition. A raised pedestrian street crossing, depressed corners, or similar connections between the pedestrian access route at the level of the sidewalk and the level of the pedestrian street crossing that have a grade of five percent or less.

¹⁰⁶ 28 C.F.R. § 35.104 Definitions

Clear Floor or Ground Space. The minimum unobstructed floor/ground space required to accommodate a single, stationary wheeled mobility device and occupant. Clear floor/ground space provides a location for a wheeled mobility device user to approach and make use of an element.

Complaint. A complaint is a claimed violation of the ADA.

Cross Slope. The grade that is perpendicular to the direction of pedestrian travel. On a sidewalk, cross slope is measured perpendicular to the **curb line** or edge of the street or highway.

Curb Line. A line at the face of the curb that marks the transition between the curb and the gutter, street, or highway.

Curb Ramp. A ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

Disability. The term disability means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- Having a record of impairment; or
- Being regarded as having a disability or such impairment.

Discrimination on the Basis of Disability. Discrimination on the basis of disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability.
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability.
- Participate in a contract that could subject a qualified citizen with a disability to discrimination.
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability.
- Deny equal benefits because of a disability.
- Fail to make reasonable modifications to known physical or mental limitations of an otherwise qualified individual with a disability unless it can be shown that the modification would impose an undue burden on the City's operations.
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public.
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

Effective Communication. Communication with people who have vision, hearing, and/or speech disabilities is equally effective as communication with people without disabilities.

Element. An architectural or mechanical component of a building, facility, space, site, or public right-of-way.

Facility. All or any portion of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

Fundamental Alteration. A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its program, activity, or service, it is not required to make the modification. If a public accommodation (private entity) can demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

Grade. The degree of inclination of a surface. See Slope. In public right-of-way, grade is the slope parallel to the direction of pedestrian travel.

Grade Break. The line where two surface planes with different grades meet.

Having a Record of Impairment. An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

International Symbol of Accessibility (ISA). The ISA is recognized worldwide as a symbol identifying accessible elements and spaces. Standards issued under the ADA and ABA reference and reproduce the ISA to ensure consistency in the designation of accessible elements and spaces. Uniform iconography promotes legibility, especially for people with low vision or cognitive disabilities. Guidance on use of the ISA under the ADA and the ABA is available at <https://www.access-board.gov/files/ada/guides/ISA-guidance.pdf>.

Maintenance. Routine or periodic repair of all pedestrian facilities to restore them to the standards to which they were originally designed and built. Maintenance does not change the original purpose, intent, or design of public sidewalks, shared-use paths, curb ramps, crosswalks, pedestrian islands, or other public walkways.

Maximum Extent Feasible. Applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible.

Operable Part. A component of an element used to insert or withdraw objects, or to activate, deactivate, or adjust the element. The technical requirements for operable parts apply to operable parts on accessible pedestrian signals and pedestrian pushbuttons and parking meters and parking pay stations that serve accessible parking spaces.

Other Power-Driven Mobility Device (OPDMD). An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for locomotion and designed to operate in areas without defined pedestrian routes.

Path of Travel. An identifiable accessible route within an existing site, building, or facility by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. When alterations, structural repairs, or additions are made to existing buildings or facilities, the term “path of travel” also includes the toilet and bathing facilities, telephones, drinking fountains, and signs serving the area of work.

Pedestrian Access Route. A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path in the public right-of-way.

Pedestrian Circulation Path. A prepared exterior or interior surface provided for pedestrian travel in the public right-of-way

Physical or Mental Impairments. Physical or mental impairments may include, but are not limited to, vision, speech and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection (HIV condition); and drug addiction, if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper, if not symptoms of a mental or physiological disorder.

Primary Function. A major activity for which a facility is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, or offices and other work areas in which the activities of the public entity using a facility are carried out.

Program Accessibility. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.

Public Entity. Any state or local government; any department, agency, special-purpose district, or other instrumentality of a state or local government.

Public Right-of-Way. Public land or property, usually in interconnected corridors, that is acquired for or dedicated to transportation purposes.

Qualified Historic Facility. A facility that is listed in or eligible for listing in the National Register of Historic Places or designated as historic under an appropriate state or local law.

Qualified Individual with a Disability. A qualified individual with a disability means an individual with a disability who—with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services—meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

Reasonable Modification. A public entity must modify its policies, practice, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of its service, program, or activity.

Reasonable Modification. A public entity must modify its policies, practice, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of its service, program, or activity. An example of a reasonable modification is to permit the use of service animals by an individual with a disability at facilities that generally prohibit animals.

Regarded as Having a Disability. An individual is *disabled* if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

Running Slope. The grade that is parallel to the direction of pedestrian travel.

Scoping. Requirements that specify what features are required to be accessible and, where multiple features of the same type are provided, how many of the features are required to be accessible.

Service Animal. Service animals are dogs (and in certain circumstances, miniature horses) that are individually trained to perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheeled mobility device, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post-Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. Additional guidance on service animals can be found in the resources section of the Plan.

Title II regulations now include the following assessment factors to assist public entities in determining whether miniature horses can be accommodated as service animals in their facilities:

- The miniature horse is housebroken;
- The miniature horse is under the owner's control;
- The facility can accommodate the miniature horse's type, size, and weight; and
- The miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

Slope. Ground surface that forms a natural or artificial incline. Slope is typically written as either a percentage or a ratio that represents the change in elevation between two points of an incline divided by the horizontal distance between the two points.

- **Cross Slope.** The slope perpendicular to the direction of travel.
- **Running Slope.** The slope parallel to the direction of travel.
- **Compound Slope.** A slope composed of two or more separate slopes with different grade angles.

Substantial Limitations of Major Life Activities. An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner or duration under which she or he can perform a particular major life activity in comparison to other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment.
- The duration or expected duration of the impairment.
- The permanent or long-term impact (or expected impact) of or resulting from the impairment.

Technical Standards. Requirements that establish the design criteria for accessible features, including the specific numbers, conditions, and measurements that are required.

Technically Infeasible. With respect to an alteration of a building or a facility, an action that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements. Where technical infeasibility is encountered, compliance is still required to the maximum extent **technically feasible**.

Telecommunications Device for the Deaf (TDD). A telecommunications device for the deaf (TDD) is an electronic device for text communication via a telephone line, used when one or more of the parties has hearing or speech difficulties. Other names for TDD include TTY.

Telecommunications Relay Service (TRS) or 711. Reached by calling 711, the free, nationwide telecommunications relay service uses communications assistants who serve as intermediaries between people who have hearing or speech disabilities that use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the telephone user what the other party is typing and types to tell the other party what the telephone user is saying. TRS also provides speech-to-speech transliteration for callers who have speech disabilities.

Text Telephone (TTY). Teletypewriters or text telephones have a keyboard and a visual display for exchanging written messages over the telephone. The ADA established a free, nationwide relay network to handle voice-to-TTY and TTY-to-voice calls, which is reached by calling 711. TTY is a more general term for teletypes but is often referred to as TDD.

Vertical Surface Discontinuities. Vertical differences in level between two adjacent surfaces.

Video Relay Service (VRS). Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.

Wheeled Mobility Device. A manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or both indoor and outdoor locomotion. Also referred to as a manual wheelchair, a power wheelchair, an electric scooter, or an electric bicycle.

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7 Resources

7.1 Federal, State, and Local Laws, Standards, and Ordinances

The following are resources for state and federal regulations for accessible facilities.

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

The U.S. Department of Justice provides many free ADA materials including the Americans with Disability Act (ADA) text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TTY)]. Publications are available in standard print as well as large print, audiotape, braille, and computer disk for people with disabilities.

Documents, including the following publications, can also be downloaded from the Department of Justice website.

<http://www.ada.gov/>

- Americans with Disabilities Act (ADA) Title II Regulations: Nondiscrimination on the Basis of Disability in State and Local Government Services. 2010.
https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.pdf
- 2010 ADA Standards for Accessible Design. 2010.
www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm
- Title II Technical Assistance Manual (1993) and Yearly Supplements.
<http://www.ada.gov/taman2.html>
- Accessibility of State and Local Government Websites to People with Disabilities. 2003.
<https://www.ada.gov/websites2.htm>
- ADA Best Practices Tool Kit for State and Local Governments. 2008.
<https://www.ada.gov/pcatoolkit/abouttoolkit.htm>
- ADA Guide for Small Towns. 2000.
<http://www.ada.gov/smtown.htm>
- The ADA and City Governments: Common Problems. 2000.
<http://www.ada.gov/comprob.htm>
- ADA Requirements: Effective Communication. 2014.
<https://www.ada.gov/effective-comm.htm>
- ADA Requirements: Service Animals. 2010.
https://www.ada.gov/service_animals_2010.htm
- ADA Information for Law Enforcement. 2008.
<http://www.ada.gov/policeinfo.htm>
- Commonly Asked Questions About the ADA and Law Enforcement. 2006.
https://www.ada.gov/q&a_law.htm

- Communicating with People Who are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers. 2006.
<http://www.ada.gov/lawenfcomm.htm>
- Model Policy for Law Enforcement on Communicating with People Who are Deaf or Hard of Hearing. 2006.
<http://www.ada.gov/lawenfmodpolicy.htm>
- Questions and Answers: The ADA and Hiring Police Officers. 1997.
<http://www.ada.gov/copsq7a.htm>
- ADA Requirements: Wheelchairs, Mobility Aids and Other Power-Driven Mobility Devices. 2014. <https://www.ada.gov/opdmd.htm>
- An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities. 2008.
<https://www.ada.gov/emergencyprepguide.htm>
- Access for 9-1-1 and Telephone Emergency Services. 1998.
<http://www.ada.gov/911ta.htm>
- The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities. 2014.
https://www.ada.gov/ada_voting/ada_voting_ta.htm
- ADA Checklist for Polling Places. 2016.
<https://www.ada.gov/votingchecklist.htm#toc1>

U.S. Access Board—Architectural and Transportation Barriers Compliance Board

The full texts of federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available for free and can be downloaded or ordered by completing a form available on the Access Board's website. In addition to regular print, publications are available in large print, disk, audiocassette, and braille.

<http://www.access-board.gov/>

- ADA and ABA Accessibility Guidelines (ADAAG), (36 CFR Parts 1190 and 1191). Final Rule published in the Federal Register, July 23, 2004; as amended through May 7, 2014.
<https://www.access-board.gov/attachments/article/412/ada-aba.pdf>
- Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines, Correction. Final Rule published in the Federal Register, November 12, 2013.
<https://www.federalregister.gov/documents/2013/11/12/2013-26780/americans-with-disabilities-act-ada-accessibility-guidelines-for-buildings-and-facilities>
- Architectural Barriers Act (ABA). Pub. L. 90–480 (42 U.S.C. §§4151 et seq.). 1968.
<https://www.access-board.gov/the-board/laws/architectural-barriers-act-aba>

- Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas (). Final Rule published in the Federal Register, September 26, 2013.
<https://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas>
- Electronic and Information Technology Accessibility Standards; (36 CFR Part 1194). Final Rule published in the Federal Register, December 21, 2000.
[https://www.access-board.gov/attachments/article/523/508standards\(1\).pdf](https://www.access-board.gov/attachments/article/523/508standards(1).pdf)
- Guidance on Use of the International Symbol of Accessibility Under the Americans with Disabilities Act and the Architectural Barriers Act. 2017.
<https://www.access-board.gov/attachments/article/1898/ISA-guidance.pdf>
- Information and Communication Technology (ICT) Final Standards and Guidelines (36 CFR Parts 1193 and 1194). Final Rule published in the Federal Register, January 18, 2017.
<https://www.access-board.gov/attachments/article/1877/ict-rule.pdf>
- Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas. May 2014.
<https://www.access-board.gov/attachments/article/1637/outdoor-guide.pdf>
- Telecommunications Act Accessibility Guidelines. Final Rule published in the Federal Register, February 3, 1998.
<https://www.access-board.gov/attachments/article/1067/255rule.pdf>
- Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way. 2011.
<https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines>

State of California

- Department of General Services, California Building Standards Commission. California Building Standards Code (California Code of Regulations, Title 24). 2019.
<http://www.bsc.ca.gov/Codes.aspx>
- The State of California has also adopted a set of design guidelines for accessible facilities, which can be found in the California Code of Regulations, Title 24, Part II, California Building Standards Code (CBC). CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, and location and maintenance of all buildings and structures and certain equipment. Although California has adopted most of the ADAAG requirements, there are some differences. In general, the more restrictive requirement (whether federal or state) should be applied when designing accessible facilities. The complete Title 24 or any of its parts is available for purchase from the International Code Council (ICC), 5360 Workman Mill Road, Whittier, CA 90601, (800) 423-6587, (<http://www.iccsafe.org>) or at various bookstores that carry technical books. The CBC is updated every three years and an ongoing program of

regularly reviewing these changes and updating policies and procedures related to accessibility to keep them current is recommended.

- Department of Parks and Recreation. California State Parks Accessibility Guidelines. 2015.
http://www.parks.ca.gov/pages/1008/files/2015_california_state_parks_accessibility_guidelines.pdf
- The Accessibility Guidelines are intended as a reference manual and department policy on accessible design that provide guidance for common uses in the State Park System. They are utilized in planning and implementing regular maintenance activities, construction projects, and in the development of presentations, publications, exhibits, new programs and special events. The Accessibility Guidelines are authorized for use throughout California State Parks, including the Off Highway Motor Vehicle Recreation Division, the Division of Boating and Waterways, concessionaires, cooperating associations and locally operated parks.
 - **Division of State Architect (DSA). 2019 California Access Compliance Advisory Reference Manual. 2019.**
<https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Access-Compliance-Reference-Materials>
The purpose of this book of regulations and statutes together is to clarify the obligations for architectural accessibility in California.
 - **2023 Valuation Threshold for Alterations, Structural Repairs or Additions to Existing Buildings**
<https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Access-Compliance-Reference-Materials>
The annual valuation threshold is based on the January 1981 threshold of \$50,000.00 as adjusted using the ENR 20 Cities Construction Cost Index, and as published by Engineering News-Record, McGraw-Hill Publishing Company, for January of each year. In accordance with the 2019 CBC Chapter 2 definition of VALUATION THRESHOLD, the 2023 valuation threshold is \$195,358 and will be updated again in January 2024.

7.2 National and California Organizations Supporting People with Disabilities

Access Northern California

Access Northern California is an online resource that provides information on the accessibility of outdoor recreation opportunities. The site provides links to locations around Northern California and descriptions of existing conditions to help inform potential users of what they can expect at the location.

www.accessnca.org

The Arc

The Arc (formerly Association for Retarded Citizens of the United States) is the country's largest voluntary organization committed to the welfare of all children and adults with intellectual and developmental disabilities and their families.

<http://www.thearc.org>

American Association of People with Disabilities

The American Association of People with Disabilities is the largest nonprofit, nonpartisan, cross-disability organization in the United States.

<http://www.aapd.com/>

American Council of the Blind (ACB)

ACB is a national organization advocating on behalf of persons who are blind or have low vision.

<http://www.acb.org/>.

American Foundation for the Blind (AFB)

AFB is committed to improving accessibility in all aspects of life—from cell phones to ATMs, on web sites, and in workplaces. Services include assistance in making products and services accessible to people with visual impairments. AFB offers expert consulting services and accessible media production. AFB provides objective product evaluations of adaptive technologies through its assistive technology product database.

<http://www.afb.org/>

Center for Independence (CFI)

CFI serves as a resource for individuals with disabilities to fully access and participate in the community through outreach, advocacy, and independent living skills development. The organization is a resource for senior citizens with senior-related disabilities as well and serves people in Island, Pierce, San Juan, Skagit, Snohomish, Thurston, South King, and Whatcom counties. It is also a member of the Association of Centers for Independent Living in Washington (ACIL-WA).

<http://www.cfisouth.org/index.html>

Center on Technology and Disability

Funded by the US Department of Education's Office of Special Education Programs, the Center on Technology and Disability provides a wide range of resources on assistive technology, from introductory fact sheets and training materials to in-depth discussion of best practices and emerging research.

<http://www.ctdinstitute.org/>

Institute for Human Centered Design

The Institute (formerly known as Adaptive Environments) is a non-profit organization committed to advancing the role of design in expanding opportunity and enhancing experience for people of all ages and abilities. The organization provides education and consultation to public and private entities about strategies, precedents and best practices that go beyond legal requirements for human centered design for places, things, communication and policy that integrate solutions with the reality of human diversity.

<http://humancentereddesign.org/>

National Association of the Deaf (NAD)

NAD is a national consumer organization representing people who are deaf and hard of hearing. NAD provides information about standards for American Sign Language Interpreters and the Captioned Media Program on its website.

<http://www.nad.org/>

National Federation of the Blind (NFB)

NFB is a national organization advocating on behalf of persons who are blind or have low vision. NFB provides on-line resources for technology for the blind, including a technology resource list, a computer resource list, screen access technology, sources of large print software for computers, and sources of closed circuit TV (CCTV).

<http://www.nfb.org/>

National Organization on Disability

National Organization on Disability promotes the full and equal participation and contribution of America's 54 million men, women, and children with disabilities in all aspects of life. NOD maintains an on-line directory of information and links including transportation-related resources.

<http://www.nod.org/>

Office of Disability Employment Policy

Online resources list for a variety of disability topics including benefits, civil rights, community life, education, employment, emergency preparedness, health, housing, technology, and transportation.

<https://www.dol.gov/odep/topics/disability.htm>

Outdoors for All Foundation

Based out of Seattle, the Outdoors for All Foundation transforms lives through outdoor recreation as a national leader in delivering adaptive and therapeutic recreation for children and adults with disabilities. The organization enriches the lives of individuals with disabilities and helps them to get out and enjoy the great outdoors. Outdoors for All's programs include snowboarding, snowshoeing, cross country and downhill skiing, cycling, hiking, yoga, kayaking, day camps, rock-climbing, camping, and custom events.

<https://outdoorsforall.org/>

Pacific ADA Center,

The ADA National Network Centers are a national platform of ten centers comprised of ADA professionals and experts charged with assisting businesses, state and local governments, and people with disabilities as they manage the process of changing our culture to be user friendly to disability and the effect the variety of health conditions can have on society.

<http://www.adapacific.org/>

Paralyzed Veterans of America (PVA)

PVA is a national advocacy organization representing veterans. PVA's Sports and Recreation Program promotes a range of activities for people with disabilities, with special emphasis on activities that enhance lifetime health and fitness. PVA's website provides information on useful sports publications and a list of contacts.

<http://www.pva.org>

TDI Online

TDI's mission is to promote equal access in telecommunications and media for people who have hearing loss, are deaf, late deafened, or deaf blind. TDI encourages accessible applications of existing and emerging technologies in all sectors of the community; advises on promoting the uniformity of standards for telecommunications and media technologies; and networks and collaborates with other disability organizations, government, industry, and academia.

<http://www.tdi-online.org/>

United Cerebral Palsy Association (UCP)

UCP's mission is to advance the independence, productivity and full citizenship of people with cerebral palsy and other disabilities, through a commitment to the principles of independence, inclusion, and self-determination. UCP's Sports and Leisure Channel is designed for people with disabilities who are interested in sports and other leisure activities and proposes creative ideas for inclusive community recreation programs, including outdoor adventure activities for people with disabilities. Information about the Sports and Leisure Channel is available on UCP's website.

<http://www.ucp.org>

United Spinal Association

United Spinal Association is a membership organization serving individuals with spinal cord injuries or disease. Formerly known as the Eastern Paralyzed Veterans Association, the organization expanded its mission to serve people with spinal cord injuries or disease regardless of their age, gender or veteran status. Information on accessibility training and consulting services and recreational opportunities for people with spinal cord injuries or disease is available on their website.

<http://www.unitedspinal.org>

World Institute on Disability

WID is an international public policy center dedicated to carrying out research on disability issues. WID maintains an online information and resource directory on technology, research, universal design, and ADA.

<http://www.wid.org/resources/>

7.3 Local Resources for People with Disabilities

AbilityPath

Offers educational, therapeutic, recreational, and vocational experiences to people with developmental disabilities.

<https://abilitypath.org/>

Phone: (650) 259-8500

Children's Health Council

Provides education and mental health services to children, teens, and young adults.

<http://www.chconline.org/>

Phone: (650) 326-5530

HOPE Services

Provides services to people with developmental disabilities and mental health needs.

<http://www.hopeservices.org/>

Phone: (408) 284-2850

NAMI of Santa Clara County

Provides support and resources to people with mental illness and their families.

<http://www.namisantaclara.org/>

Phone: (408) 453-0400

San Andreas Regional Center

Provides case management and community services to people with developmental disabilities in Santa Clara County.

<https://www.sanandreasregional.org/>

Phone: (408) 374-9960

Silicon Valley Council of the Blind

Local chapter of California Council of the Blind provides support for persons with vision loss.

<http://www.svcb.cc/>

Phone: (888) 652-5333

Silicon Valley Independent Living Center

Provides residents with support tools and resources needed to live interdependently.

<http://www.svilc.org/>

Phone: (408) 894-9041

TTY: (669) 231-4793

Sourcewise

Provides services and support to seniors in Santa Clara County

<http://www.mysourcewise.com/>

Phone: (408) 350-3200

Vista Center for the Blind and Visually Impaired

Provides services and support to people who are blind or visually impaired in Santa Clara county

<https://www.vistacenter.org/>

Palo Alto Phone: (650) 858-0202

San Jose Phone: (408) 295-4016

7.4 Guidance Documents and Articles – Creating Accessible Documents

Adobe Software Suite Accessibility by Product

Documentation for the development of accessible digital content using Adobe products such as Acrobat, InDesign, and Illustrator.

<https://www.adobe.com/accessibility/products.html>

American Council of the Blind (ACB)

Best Practices and Guidelines for Large Print Documents used by the Low Vision Community. 2011. <http://acb.org/large-print-guidelines>

Braille Authority of North America and the Canadian Braille Authority

Guidelines and Standards for Tactile Graphics (Web Version). 2012.

<http://www.brailleauthority.org/tg/web-manual/tgmanual.html>

GSA Government-wide Section 508 Accessibility Program

Create Accessible Electronic Documents (a compilation of federal guidance, checklists, and testing information for creating and maintaining accessible documents in various popular electronic formats, including Word, PDF, Excel, and PowerPoint).

<https://www.section508.gov/content/build/create-accessible-documents>

Guidance from the Accessible Electronic Document Community of Practice (AED COP) on creating and testing accessible Microsoft Word documents includes:

- Section 508 Basic Authoring and Testing Guides, MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>
- Basic Authoring and Testing Checklists, MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>
- Baseline Tests for Accessible Electronic Documents—MS Word 2010 and MS 2013. 2015. <https://www.section508.gov/content/build/create-accessible-documents>

Microsoft 365 Excel, Word, and Outlook Files

Accessibility checker. https://support.microsoft.com/en-us/office/improve-accessibility-with-the-accessibility-checker-a16f6de0-2f39-4a2b-8bd8-5ad801426c7f#bkmk_while

Microsoft 365 PowerPoint

Best practices. <https://support.microsoft.com/en-us/office/make-your-powerpoint-presentations-accessible-to-people-with-disabilities-6f7772b2-2f33-4bd2-8ca7-dae3b2b3ef25>

7.5 Guidance Documents and Articles—Web Design

State of California

In 2017, the California Legislature signed into law Assembly Bill 434, Chapter 780, which requires state agencies and entities to post on their websites a certification that their websites meet the Web Content Accessibility Guidelines 2.0 Level AA, or subsequent version, and Section 508 of the Rehabilitation Act.

- W3C Web Accessibility Initiative <https://www.w3.org/WAI/standards-guidelines/wcag/>
- California web standards: <https://webstandards.ca.gov/accessibility/>

National Center for Accessible Media (NCAM)

NCAM is a research and development facility dedicated to addressing barriers to media and emerging technologies for people with disabilities in their homes, schools, workplaces, and communities. NCAM is part of the Media Access Group at Boston public broadcaster WGBH, which includes two production units, The Caption Center and Descriptive Video Service® (DVS®). Tools and guidelines for creating accessible digital media can be found on the NCAM website.

<https://www.wgbh.org/foundation/ncam/guidelines/accessible-digital-media-guidelines>

Utah State University, Center for Persons with Disabilities, WebAIM

WebAIM (Web Accessibility in Mind) is a non-profit organization based at the Center for Persons with Disabilities at Utah State University that has provided comprehensive web accessibility solutions since 1999. Documents and training materials, including the following publications, can be downloaded from the WebAIM website.

<http://www.webaim.org/>

- Color Contrast Checker. <https://webaim.org/resources/contrastchecker/>
- Web Accessibility Evaluation Tool (WAVE). <http://wave.webaim.org/>
- WCAG 2 Checklist. <https://webaim.org/standards/wcag/checklist>
- Web Accessibility for Designers. <https://webaim.org/resources/designers/>

U.S. General Services Administration (GSA), Technology Transformation Services

The GSA provides a guide for embedding accessibility into web development. The Accessibility for Teams tool describes many different inclusive website design practices, providing both a framework for understanding website accessibility as well as design strategies and resources (<https://accessibility.digital.gov/>).

7.6 Training Resources

ADA Coordinator Training Certificate Program

2020. <https://www.adacoordinator.org/default.aspx>

ADA National Network

2020. <https://adata.org/ada-training>

Great Lakes ADA Center

2020. <http://www.adagreatlakes.org/ProgramsAndServices/Trainings/>

United States Access Board

2020. <https://www.access-board.gov/training>

Southeast ADA Center

2020. <http://adasoutheast.org/training/courses.php>



8 Attachments

- A. City of Santa Clara Notice Under the Americans with Disabilities Act
- B. City of Santa Clara ADA Complaint/Grievance Procedure

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**City of
Santa Clara**
The Center of What's Possible

Attachment A City of Santa Clara Notice Under the Americans with Disabilities Act

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CITY OF SANTA CLARA

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the **City of Santa Clara** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The **City of Santa Clara** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The **City of Santa Clara** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the **City of Santa Clara's** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The **City of Santa Clara** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the **City of Santa Clara** facilities, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the **City of Santa Clara**, should contact the **City's ADA Coordinator at (408) 615-3000 or ADACoordinator@santaclaraca.gov** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **City of Santa Clara** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the **City of Santa Clara** is not accessible to persons with disabilities should be directed to **City's ADA Coordinator at (408) 615-3000 or ADACoordinator@santaclaraca.gov**.

The **City of Santa Clara** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

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**City of
Santa Clara**
The Center of What's Possible

Attachment B City of Santa Clara ADA Complaint/Grievance Procedure

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CITY OF SANTA CLARA ADA COMPLAINT/GRIEVANCE PROCEDURE

Any individual who believes that he or she (individually or on behalf of a specific class of individuals) has been subjected to unlawful discrimination on the basis of disability by a City of Santa Clara employee, service or program may file a complaint by himself, herself or by an authorized representative. The City of Santa Clara hereby adopts this grievance procedure to provide for prompt and equitable resolution of complaints alleging any action that is prohibited by Title II of the Americans with Disabilities Act ("ADA"). The City has designated an ADA Coordinator as the person responsible for addressing ADA complaints and grievances.

Contact Information:

Name: ADA Coordinator
Office Address: 1500 Warburton Avenue
Santa Clara, California 95050
Telephone Number: (408) 615-3000
Email: ADACoordinator@SantaClaraCA.gov

Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

Definition. A grievance is an expression of dissatisfaction with an employee, policy, service or program provided by the City of Santa Clara regarding access or discrimination on the basis of disability as defined in the ADA.

Objectives. The objectives of this policy are:

- to assure that grievances are promptly acknowledged and resolved;
- to establish uniform standards and procedure for handling grievances throughout the entire City organization;
- to provide citizens with an accessible, convenient, efficient system for bringing complaints to the City's attention;
- to demonstrate that the City is responsive to the concerns of its citizens;
- to reduce or prevent the occurrence of circumstances that lead to justifiable citizen complaints.

PROCEDURE

1. Any individual who believes he or she has been discriminated against on the basis of disability may make a written complaint as soon as possible after the incident. In order to facilitate the investigation, the complainant is encouraged to submit the complaint within 30 days of the alleged incident(s). In all cases, complaints should be filed in writing and include the location and date the alleged incident occurred within 180 days of the alleged incident. All complaints should be sent to the ADA Coordinator using one of the contact

methods listed in the contact information above for resolution. A written record of the complaint and the action taken will be maintained by the City. A grievance will be either responded to or acknowledged within (30) days of receipt. An oral grievance may be filed by contacting the ADA coordinator.

The complaint should include:

- a. a description of the alleged discriminating activity, policy, program or service;
 - b. date(s), time(s) and location(s) of incidents(s);
 - c. name(s) of alleged offender(s), if any;
 - d. name(s) of witnesses, if any; and
 - e. remedy desired.
2. Upon receipt of a complaint, the ADA Coordinator shall cause an investigation of all charges to be made. The investigation shall include interviews with: (a) the complainant; (b) the person(s) responsible for the activity, policy, program or service engaged in the alleged incident; and (c) any other person the ADA Coordinator believes to have relevant knowledge concerning the complaint.
3. Upon completion of the investigation, the ADA Coordinator shall review factual information gathered through the investigation to determine whether the alleged complaint constitutes discrimination, giving consideration to all factual information, the totality of the circumstances, including the nature of the activity, program or services and the context in which the alleged incidents occurred.
4. The ADA Coordinator shall then prepare a written report stating the results of the investigation and the determination as to the action(s) to be taken, if any. The results of the investigation and recommendations(s) shall be conveyed to appropriate persons, including the complainant and the person(s) responsible for the alleged activity, policy, program or service engaged in the incident.
5. The grievant may request reconsideration if he/she is dissatisfied with the written determination of the ADA Coordinator. The request for reconsideration shall be in writing and filed with City Manager within thirty (30) calendar days after the ADA Coordinator's determination has been mailed to the grievant. The City Manager or designee shall review the request for reconsideration and make a final determination within ninety (90) calendar days from the filing of the request.
6. The complainant's right to a prompt and equitable resolution of the complaint will not be impaired by the complainant's pursuit of other remedies, such as the filing of a complaint within the Department of Justice or other appropriate federal agency, or the filing of a suit in state or federal court.