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**SELF-EVALUATION AND TRANSITION PLAN UPDATE
Americans with Disabilities Act
Section 504 of the Rehabilitation Act**

Valley Transportation Authority

3331 N. First Street, Building B

San Jose, CA 95134-1927

2021-2022

Updated 2024



Prepared by

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The Santa Clara Valley Transportation Authority (VTA) ADA/504 Self-Evaluation and Transition Plan Update was prepared by Disability Access Consultants, LLC (DAC) in conjunction with the VTA’s Accessibility, Civil Rights, and Equity (ACRE) unit, and input from other interested individuals, organizations and community members.

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (504) Coordinator for the Santa Clara Valley Transportation Authority is Jolene Bradford¹.

A copy of the VTA ADA/504 Self-Evaluation and Transition Plan and accessible alternate formats are available from the ADA/504 Coordinator.

Disability Access Consultants, LLC (DAC)

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¹ Update: On Nov. 17, 2023 Jolene Bradford was named as VTA’s ADA/504 Coordinator.

ADA/504 Self-Evaluation and Transition Plan Purpose

As the Santa Clara Valley Transportation Authority has made an ongoing commitment to provide programs, services and activities in a nondiscriminatory manner for individuals with disabilities, the Valley Transportation Authority (VTA) conducted an updated Americans with Disabilities Act (ADA) and Section 504 Self-Evaluation and Transition Plan. The Valley Transportation Authority Americans with Disabilities Act (ADA) Title II and Section 504 (504) Self-Evaluation documents the results of the VTA's review of access to programs, services, activities, events, facilities, parks, and selected public rights-of-way by individuals with disabilities to determine if any discriminatory or potentially discriminatory practices, policies or procedures exist that may deny access for individuals with disabilities. The 2021-2022 ADA/504 Self-Evaluation and Transition Plan provides a current benchmark of accessibility activities by the VTA and provides an updated framework for remediation and implementation and updates prior accessibility ADA self-evaluations and transition plans. The VTA ADA/504 Self-Evaluation and Transition Plan Executive Summary was updated in 2023 to reflect changes and updates, such as the ADA/504 Coordinator.

One reason for the VTA's update of the prior ADA self-evaluation and transition plan is due to additional accessibility requirements that were added with the 2010 ADA updates and other accessibility related codes and regulations. Accessibility requirements were also changed for items such as reach range, water closets, assembly areas and other items. The VTA's current plan updates standards and provides safe harbor for those areas and items that were compliant under prior accessibility codes. As such, it was prudent for the VTA to update their ADA/504 self-evaluation and transition plan. In addition, the current ADA/504 self-evaluation and transition plan incorporates recent updates in the California Building Code, the Manual on Uniform Traffic Control Devices and the Public Right-of-Way Accessibility Guidelines (PROWAG). As major remodeling and remediation of physical barriers would in most cases require scoping and compliance with newer accessibility regulations and requirements such as the 2010 ADA Standards and the 2019 California Building Code, the ADA plan needed to be updated to maintain compliance. The VTA understands that the ADA/504 self-evaluation and transition plan is not a static document but requires ongoing implementation and periodic updates.

As public input is important to develop and prioritize the plan, the VTA conducted extensive public outreach as described in the public outreach portion of this document. In addition to being required, it is recognized that input from stakeholders is a valuable component of an updated, usable, and realistic plan. In addition to input from the public and organizations, input was solicited from VTA staff.

The Valley Transportation Authority ADA/504 Self-Evaluation and Transition Plan Executive Summary details accessibility findings and provides recommendations for the VTA. The VTA's ADA/504 Self-Evaluation and Transition Plan Updates includes a review of potential "programmatic" and "physical" barriers that may deny access for persons with disabilities. Noncompliant findings regarding "physical" barriers that may deny access for persons with disabilities are contained in the online DACTrak Accessibility Management Software used by the VTA. DACTrak contains detailed findings of potential physical barriers that may deny access and includes actual findings, recommendations, photographs, references to accessibility code requirements and GIS measurements. DACTrak is a tool for the VTA to manage and update the VTA's transition plan for the removal of physical barriers. Access to information contained in the DACTrak program is available from the VTA's ADA/504 Coordinator.

Due to the size of supporting documents and related findings, the VTA ADA/504 Self-Evaluation and Transition Plan has supplementary documents which are referred to in this report. Supplementary documents include the detailed VTA Transition Plan that is contained in the online DACTrak accessibility management software that is used by the VTA, two website accessibility reviews, selected policies and procedures and comments from the public, organizations and VTA staff.

The Valley Transportation Authority has demonstrated a commitment from the highest level of leadership with coordination of compliance activities and involvement of persons with disabilities and methodologies for compliance procedures. As evidenced in the current updated ADA/504 report, the Valley Transportation Authority understands that the ADA/504 compliance plan is not a static document but requires ongoing implementation and periodic updates. The ADA/504 self-evaluation provides a current benchmark for accessibility efforts by the VTA and provides an updated framework for implementation. The current study also incorporates recent code changes, updates in accessibility standards and regulations in addition to accessibility trends. The ADA/504 self-evaluation and transition plan activities work together to address the requirements of the ADA. The Valley Transportation Authority ADA/504 Self-evaluation and Transition Plan serves as a roadmap to assist the VTA with ongoing compliance.

Methodology for the Development of the Self-Evaluation and Transition Plan

Disability Access Consultants, LLC (DAC) was contracted to conduct a comprehensive accessibility review of VTA programs, services, activities, policies, buildings, bus stops, public rights-of-way and other transit properties in order to develop an updated Valley Transportation Authority ADA/504 Self-Evaluation and Transition Plan.

Methodology included, but was not limited to:

- A kick-off meeting with DAC and VTA staff
 - * Multiple methods and opportunities were provided for input
 - * Surveys were made available for the public, community members and organizations representing persons with disabilities
 - * Surveys were distributed to VTA staff
 - * Surveys were available in multiple languages and included English, Korean, Spanish, Tagalog, Traditional Chinese and Vietnamese.
 - * Information and links to respond to a survey was placed on the VTA's website
 - * Information requesting input from the public and organizations regarding the VTA's ADA self-evaluation and transition plan update was posted on the website
 - * Public postings and notices requesting input were displayed prominently on the VTA's website, in VTA facilities and on the VTA's social media accounts
- A review was conducted of the previous accessibility activities and efforts by the VTA
- A review was conducted of accessibility related VTA policies, procedures, and other documents
- A review was conducted regarding the accessibility of VTA programs, services, activities, and events

- Onsite accessibility surveys were performed by DAC of VTA sites, facilities, bus stops, bus shelters, transit centers and selected public rights-of-way. Detailed results from the onsite surveys are contained in the online secure DACTrak accessibility management software.
- Training was conducted for VTA staff regarding the use of the DACTrak accessibility management and software program to manage, update and implement the VTA's Transition Plan
- Website accessibility reviews were conducted for compliance with WCAG 2.0 Level AA and is contained in supplementary documents.

In addition to programmatic and policy barriers addressed in this document, potential physical barriers are reported in the VTA Transition Plan using DACTrak. Noncompliant findings and recommendations for the removal of physical barriers that may deny access for persons with disabilities are contained in the secure, online DACTrak accessibility management software used by the VTA. DACTrak contains photographs of physical barriers, GIS information, findings, recommendations, estimated costs, and other information. Custom reports and transition plan information can be generated from DACTrak to monitor and track the implementation of the plan. Access to information contained in the DACTrak program is available from the Valley Transportation Authority ADA/504 Coordinator.

DACTrak accessibility management software provides a tool for the VTA to manage and implement the transition plan. Using DACTrak, the VTA can generate compliance assessment reports that provide at a minimum, the following information:

- A description of the noncompliant physical element
- Identification of the reason(s) a physical element is considered noncompliant
- Applicable federal and state accessibility code references that apply to the element
- Digital photographs of the noncompliant physical element
- Recommended method to bring the item into compliance
- Mapping of exterior items
- A construction cost estimate when applicable
- Other custom reports

Requirements to Conduct an ADA Self-Evaluation and Transition Plan

Compliance with accessibility requirements incorporate federal, state and local regulations that include, but are not limited to:

- Americans with Disabilities Act of 1990
- Section 504 of the Rehabilitation Act of 1973, as amended
- Federal Register-49 CFR Parts 27, 37, 38, and 39
- Federal Transit Laws, 49 U.S.C. 5301 et seq.
- California Department of Transportation (Caltrans) Standards
- California Code of Regulations
- California Building Code (CBC)
- Federal Transit Authority (FTA) ADA Circular 4710.1
- Proposed Right-of-Way Accessibility Guidelines (PROWAG)
- California Manual on Uniform Traffic Control Devices (CAMUTCD)
- California Government Code Section 11135
- Unruh Civil Rights Act (Civil Code Section 51)

- Disabled Persons Act (Civil Code Sections 54-55.32)

Prior to the passage of the ADA in 1990, Section 504 of the Rehabilitation Act of 1973 was implemented to prohibit discrimination against individuals with disabilities by entities that receive federal funds. Similar to the ADA, the purpose of the Rehabilitation Act is to ensure that individuals with disabilities are not excluded from, denied the benefits of, or subject to discrimination in any programs or activities receiving federal financial assistance. The DOT regulations implementing Section 504 are found in 49 CFR Part 27. The DOT regulations were amended as part of DOT's ADA rulemaking to require ADA compliance as a condition of Section 504 compliance. In order to receive Federal funds, FTA grantees must comply with Section 504; in order to comply with DOT's Section 504 regulations, grantees must comply with the DOTADA regulations.

FTA Circular 4701.1 provides guidance to recipients and subrecipients of the Federal Transit Administration (FTA) financial assistance program that are necessary to carry out provisions of the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, as amended, and the U.S. Department of Transportation's implementing regulations at 49 CFR Parts 27, 37, 38, and 39. FTA is charged with ensuring public transit providers comply with the DOT regulations implementing the transportation-related provisions of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended. The regulations in 49 CFR Parts 27, 37, 38, and 39 set specific requirements transit providers must follow to ensure their services, vehicles, and facilities are accessible to and usable by individuals with disabilities.

The ADA applies to almost all providers of transportation service, whether private or public, and whether or not an entity receives Federal financial assistance. Part 35.102 of Title II of the ADA describes the application of the ADA and Section 504 of the Rehabilitation Act which requires state and local governments, such as VTA and county governments (referred to as public entities in this document) to ensure that their facilities, public rights-of-ways, policies, procedures and practices are accessible and do not discriminate against persons with disabilities. The ADA and Section 504 require the VTA to provide access to VTA programs, services, and activities. Buildings and public rights-of-way are assessed for compliance with accessibility standards and regulations as a noncompliant building may, for example, deny access to a program, service, or activity of the VTA. The transition plan is to identify the physical barrier in detail, the proposed method to remove the barrier, the designated responsible person to oversee the plan and the projected (estimated) dates of barrier removal.

The ADA has five separate titles:

- Title I: Employment
- Title II: Public Services: State and Local Government
- Title III: Public Accommodations and Services Operated by Private Entities
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

The focus of the ADA self-evaluation and transition plan is Title II (owned by the public and open to the public) of the ADA to provide access to public areas of facilities and access to all VTA programs, services and activities. Title III requirements (privately owned sites that are open to the public) are reviewed in selected cases due to the VTA's use of outside vendors, private groups and agencies during the provision of VTA programs, services, and activities. Thus, requirements of Title III do overlap and integrate into the current study in cases where the VTA contracts with outside vendors. Title I of the ADA provides requirements for employees and is not the focus of this study. Individual employee access accommodations are handled on a case-by-case basis.

Section 504 requires public entities that receive federal or state funding to ensure that they do not have any discriminatory practices. As such the requirements of Section 504 are very similar to those of the ADA which was passed by congress in 1990. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112) prohibits discrimination based on disability in federally assisted programs and the flow through sub-recipients, including contractors. The Americans with Disabilities Act passed in 1990 (Public Law 101-336) is a broader civil rights statute that prohibits discrimination against people with disabilities. In addition to the Department of Justice (DOJ), the Federal Highway Administration's (FHWA) and the United States Department of Transportation (USDOT) have requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Section 504. Pedestrians with disabilities should have an equal opportunity to use the pedestrian access routes in an accessible and safe manner.

As part of FHWA's regulatory responsibility under Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 (504), the FHWA is required to ensure that recipients of federal aid and state and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public; and to ensure that persons with disabilities have equitable opportunities to use the public rights-of-way system. Furthermore, laws and regulations require accessible planning, design, and construction to integrate persons with disabilities and that the public entity does not discriminate. Part 27 contains general nondiscrimination requirements, which largely overlap with the more recent nondiscrimination requirements in Part 37, along with grantees' local complaint process requirements and DOT compliance and enforcement provisions. Entities to which [Part 37] applies also may be subject to ADA regulations of the Department of Justice (28 CFR Parts 35 or 36, as applicable). The provisions of [Part 37] shall be interpreted in a manner that will make them consistent with applicable Department of Justice regulations. In any case of apparent inconsistency, the provisions of [Part 37] shall prevail" in accordance with § 37.21(c).

While the DOT ADA regulations apply to transportation services provided by FTA grantees, the Department of Justice (DOJ) ADA regulations apply to other types of services grantees may provide. Virtually all entities covered by this rule also are covered by DOJ rules, either under 28 CFR Part 36 as state and local program providers or under 28 CFR Part 35 as operators of places of public accommodation. Both sets of rules apply; one does not override the other. The DOT rules apply to the entity's transportation facilities, vehicles, or services. The DOJ rules cover the entity's services and activities more broadly. To address such instances, DOT and DOJ collaborated on the development of their ADA regulations to ensure both consistency of interpretation and efficiency of application. In situations where there are apparent inconsistencies between the two rules regarding the provision of transportation, however, DOT's "[Part 37] applies whether or not they receive Federal financial assistance from the Department of Transportation.

As the California Department of Transportation (Caltrans) is a recipient of federal funds and cities, counties and other public entities such as transportation agencies are subrecipients of the flow through funding, public entities are required to demonstrate their compliance with the ADA and Section 504 of the Rehabilitation Act. A component of the Caltrans requests is the development of a comprehensive ADA/504 self-evaluation and transition plan. As such, completion of a comprehensive ADA self-evaluation and transition plan is an accepted practice to take the place of an updated Section 504 plan. As such, the VTA's ADA/504 self-evaluation and transition plan meets the requirements of not only the ADA plan, but the Section 504 plan as well. By completing this comprehensive plan, the VTA will not only meet its ADA and Section 504 compliance requirements but will have a sustainable plan that can be updated, monitored, managed and will document progress for ongoing accessibility compliance.

Several regulatory agencies require the development and implementation of an Americans with Disabilities Act (ADA) plan and a Section 504 Rehabilitation Act plan. The United States Department of Housing and Urban Development (HUD) requires an ADA and Section 504 self-evaluation and transition plan that includes the oversight of the use of Community Development Block Grant (CDBG) program funds in a nondiscriminatory manner. The CDBG program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment by expanding economic opportunities primarily for low and moderate-income persons. The CDBG program requires public agencies to develop, maintain and implement an Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act ADA/504 self-evaluation and transition plan to ensure that programs, services, activities and facilities are accessible for persons with disabilities.

The Department of Justice (DOJ) has rulemaking authority and enforcement responsibility for Title II, while USDOT is legally obligated to implement compliance procedures relating to transportation, including those for highways, streets, and traffic management. The Federal Highway Administration (FHWA) Office of Civil Rights oversees the DOT requirements in these areas. To ensure compliance, the California Department of Transportation (CalTrans) conducts reviews to ensure that:

- FHWA recipients and subrecipients are informed of their responsibilities to provide accessibility in their programs, activities, facilities and public rights-of-way;
- Recipients and subrecipients comply with the ADA and Section 504;
- Recipients and subrecipients are applying appropriate accessibility standards to all public rights-of-way and transportation facilities; and
- All complaints filed under Section 504 or the ADA are processed in accordance with established complaint procedures.

California law provides similar protections to Title II and Section 504. Government Code Section 11135 prohibits discrimination by state and local governments. The Unruh Civil Rights Act (Civil Code Section 51) and the Disabled Persons Act (Civil Code Sections 54-55.32) prohibit disability-based discrimination by business establishments and applies to government entities in some circumstances. State law or other federal laws may provide a higher level of protection than Title II of the ADA. The higher accessibility standard should be applied, whether state or federal.

Report Organization and Format

The VTA ADA/504 Self-Evaluation and Transition Plan (VTA SETP) reports findings in four categories in each designated area. VTA compliance with applicable accessibility standards and regulations are indicated as one of the following:

- Exceeds Compliance/Best Practice
- Compliant
- Partially compliant
- Not Compliant

Best practice recommendations are noted as applicable. Recommendations may enhance VTA's accessibility for persons with disabilities and are not required for compliance.

Differences Between a Self-Evaluation and a Transition Plan

The self-evaluation component of the ADA/504 plan identifies any barriers or potential barriers for persons with disabilities and includes a review of policies, programs, activities, services, and facilities. Barriers identified may include policies or procedures that could inadvertently discriminate

against persons with disabilities. An example of a self-evaluation component that was reviewed is the VTA's website. The accessibility review of the website was conducted to determine if changes are needed to make the website more accessible. Many persons with disabilities use the information on the website to view activities, enroll in courses or to provide input. Another example may be the use of inappropriate terminology such as the word "handicapped" instead of the term "person with a disability". A key and required component of the self-evaluation is the opportunity for input by the public, organizations that represent persons with disabilities, staff, and other interested persons. The VTA conducted activities to solicit comments and input by the public using a variety of methodologies to incorporate comments into the overall content and prioritization of the plan. Public outreach activities are discussed in the public outreach portion of this report. Detailed responses with questions are contained in a supplementary document.

The transition plan on the other hand, assigns estimated (projected) dates for the removal of physical barriers identified in the plan as required by the ADA for public entities with more than 50 employees and for public entities with 15 or more employees in accordance with Section 504 of the Rehabilitation Act. The VTA, using DAC's recommended priority worksheets as one method for prioritization, is assigning dates for barrier removal in the VTA's transition plan and is developing an implementation plan over time that will incorporate priorities identified by the public and staff, concerns or complaints, prevalence of use by persons with disabilities, current remodeling and construction projects, funding sources, resources and other variables related to the removal of physical barriers.

The term "transition plan" comes from the terminology in the 1990 Americans with Disabilities Act (ADA) that describes how public entities would be "transitioning" into compliance during the timelines of 1992 to 1995. The term "barrier removal" plan is used in addition to the term transition plan, as public entities are no longer transitioning into compliance during the three years set aside in the law. The transition/barrier removal plan identifies the noncompliant barrier that may deny access to goods and services, the proposed method to remove the barrier, the identity of the responsible person to oversee the implementation of the plan and the projected schedule for barrier removal of "structural" barriers. The transition plan provides a schedule for the removal of barriers with estimated projected timelines. The self-evaluation, on the other hand focuses on the identification of physical and programmatic barriers that may deny access to programs services and activities. The two plans work congruently to remove the structural and programmatic barriers.

To effectuate Title II of the ADA, Department of Justice regulation 28 CFR 35.150(d) Transition Plan, public entities are required to review and identify physical barriers and steps needed to provide accessible programs when viewed in their entirety. Public entities must ensure that people with disabilities are not excluded from programs, activities, and services because of inaccessible facilities. Each facility is not necessarily required to be accessible. A public entity's services, programs, or activities, when "viewed in their entirety," must be accessible. This standard is known as "program accessibility" and is a key requirement under Title II of the ADA.

A comprehensive transition plan should contain the following:

1. A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to persons with disabilities
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible
3. The schedule for taking the necessary steps to achieve compliance with Title II of the ADA and the plan should identify the interim steps that will be taken during each year of the transition period
4. The name of the designated person responsible for the plan's implementation (usually referred to as the ADA Coordinator or ADA/504 Coordinator)

Structural changes are not always required where there are other feasible solutions such as moving a service from a nonaccessible location to an accessible location. However, structural changes leading to increased integration should be considered where feasible. Where structural modifications are required to achieve program accessibility, a governmental agency with 50 or more employees must complete a transition plan that provides for the removal of these barriers. Any structural modifications must be completed as expeditiously as possible and are required to be in the VTA's transition plan.

Duties and Fundamental Alteration

ADA Part 35.164 does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. If the public entity believes that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion.

Classification of the Valley Transportation Authority

The Valley Transportation Authority is classified as a "public entity" pursuant to Title II of the Americans with Disabilities Act which applies to state and local governments. A public entity covered by Title II is defined as a state or local government. As defined, the term "public entity" does not include the federal government. Title II, therefore, does not apply to the federal government, which is covered by Sections 501 and 504 of the Rehabilitation Act of 1973. Title II is intended to apply to all programs, activities, and services provided or operated by state and local governments. It also applies to contractors and vendors of the public entity. As Section 504 of the Rehabilitation Act applies to programs or activities receiving Federal financial assistance, the VTA understands that compliance with Section 504 is required.

Title II of the ADA covers programs, activities, and services of public entities. Title II is divided into two subtitles. This study focuses on subtitle A of Title II, which is implemented by the Department of Justice's Title II regulation. Subtitle B, covering public transportation is implemented by the Department of Transportation's regulation implementing Subtitle B.

Subtitle A, the focus of the Valley Transportation Authority Self-Evaluation and Transition Plan, is intended to protect qualified persons with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. It additionally extends the prohibition of discrimination on the basis of disability established by Section 504 of the Rehabilitation Act of 1973, as amended, to all activities of state and local governments, including those that do not receive Federal financial assistance. By law, the Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination from the ADA.

General Information About the Valley Transportation Authority

According to information on the VTA website:

Santa Clara Valley Transportation Authority (VTA) is an independent special district that provides sustainable, accessible, community-focused transportation options that are innovative, environmentally responsible, and promote the vitality of our region.

VTA provides bus, light rail, and paratransit services, as well as participates as a funding partner in regional rail service including Caltrain, Capital Corridor, and the Altamont Corridor Express.

As the county's congestion management agency, VTA is responsible for countywide transportation planning, including congestion management, design and construction of specific highway, pedestrian, and bicycle improvement projects, as well as promotion of transit oriented development.

VTA provides these services throughout the county, including Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga and Sunnyvale. VTA continually builds partnerships to deliver transportation solutions that meet the evolving mobility needs of Santa Clara County.

Responsibilities and Functions of the VTA

- Transit Service: Operate, maintain, and improve bus, light rail, and ADA complementary paratransit services.
- Transit Planning and Construction: Plan, design and construct new bus and light rail and BART projects, stations, and facilities.
- Highway Planning and Construction: Plan, design, and construct selected new highway and roadway improvements.
- Congestion Management Program: Develop, implement, and monitor the Congestion Management Program (CMP), which is intended to link transportation and land use planning within Santa Clara County.
- Transportation Programming: Establish transportation capital improvement project priorities for local, state, and federal funding.
- Caltrain Service: In partnership with the transit agencies for San Mateo and San Francisco counties, VTA contributes funds to Caltrain Commuter Rail service between the cities of San Francisco and Gilroy.

Regional Transit Partnerships with Transit Operators in Other Counties

- Intercity rail service on the Capitol Corridor between the cities of San Jose and Sacramento
- Regional bus service between the cities of San Jose and Santa Cruz along Highway 17
- Regional bus service between Santa Clara and Alameda counties across the Dumbarton Bridge
- Commuter rail service over the Altamont Pass and Sunol Grade between the cities of Stockton and San Jose

Organizational Structure ²



VTA policy is set by the VTA Board of Directors. The Board has twelve (12) voting members and six (6) alternates all of whom are elected officials appointed to serve on the Board by the jurisdictions they represent.

Fifteen Directors are city council members and three Directors are county supervisors. Three (3) VTA Boardmembers also serve on the Metropolitan Transportation Commission.

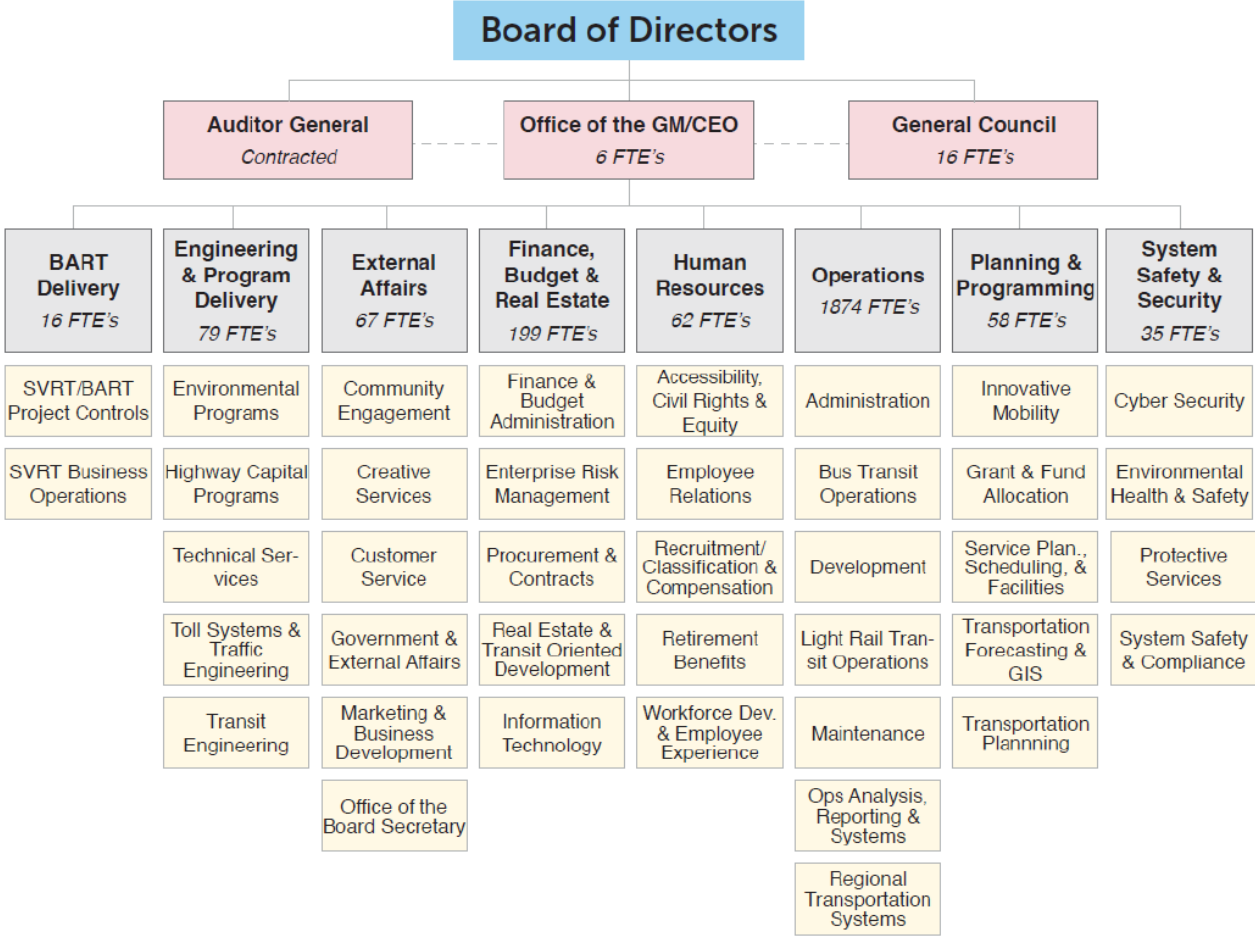
According to the 2024-2025 Biennial Budget³, there are 8 divisions with respective departments within each division that are under the leadership of the Board of Directors. VTA’s responsibilities and functions are organized into five divisions. VTA’s General Manager/CEO oversees and manages all facets of the organization under policy direction from the Board of Directors. While each division has distinct roles and responsibilities, they work collaboratively to deliver results through an Executive Management Team composed of the General Manager, General Counsel, Auditor General,

² Organizational Chart updated from the February 2022 chart to January 2024 chart.

³ Updated organizational information to information found in the 2024-2025 Biennial Budget.

Board Secretary, and Division Chiefs and Directors. Divisions include Administrative Services, BART Delivery, Finance, Budget & Real Estate, Engineering & Program Delivery, External Affairs, Operations, Planning & Programming and System Safety & Security.

Organizational Structure by Division



Human Resources

- Accessibility, Civil Rights & Equity
- Employee Relations
- Recruitment/Classification & Compensation
- Retirement Benefits
- Workforce Dev. & Employee Experience

BART Delivery

- SVRT/BART Project Controls
- SVRT Business Operations

Finance, Budget & Real Estate

- Finance & Budget Administration
- Enterprise Risk Management
- Procurement & Contracts
- Real Estate & Transit Oriented Development
- Information Technology

Engineering & Program Delivery

- Highway Capital Program
- Technical Services
- Environmental Program
- Toll Systems & Traffic Engineering
- Transit Engineering

External Affairs

- Office of the Board Secretary
- Community Engagement
- Creative Services
- Customer Service
- Government & External Affairs
- Marketing & Business Development

Operations

- Administration
- Bus Transit Operations
- Development
- Light Rail Transit Operations
- Maintenance
- Operations Analysis & Reporting
- Regional Transportation Services

Planning & Programming

- Innovative Mobility
- Grant & Fund Allocation
- Congestion Management Program
- Service Plan, Scheduling & Facilities
- Transportation Forecasting & GIS
- Transportation Planning

System Safety & Security

- Cyber Security
- Environmental Health & Safety
- Protective Services
- System Safety & Compliance

Boards and Committees

- Board of Directors
- Safety, Security and Transit Planning Operations (SSTPO)
- Congestion Management Program and Planning Committee (CMPP)
- Administration & Finance Committee
- Governance & Audit Committee
- Capital Program Committee
- State Route (SR) 85 Corridor Policy Advisory Board
- Eastridge to BART Regional Connector Policy Advisory Board
- Bicycle & Pedestrian Advisory Committee

- Policy Advisory Committee
- Technical Advisory Committee
- Citizens Advisory Committee
- Committee for Transportation Mobility and Accessibility (CTMA)
- Diridon Station Joint Policy Advisory Board
- 2000 Measure A Citizens Watchdog Committee
- 2016 Measure B Citizens Oversight Committee
- Silicon Valley Rapid Transit Program Working Committee
- Joint VTS/BART Working Committee
- Ad Hoc Board Enhancement Committee
- Mobility Partnership
- Land Use/Transportation Integration (LUTI) Working Group
- SCVTA-ATU Local 265 Pension Plan
- VTA Deferred Compensation Committee
- Other Post-Employment Benefits Committee (OPEB)
- 2000 Measure A Watchdog Committee
- 2016 Measure B Citizens' Oversight Committee
- Board of Pensions
- Board on Pensions Investment Committee
- Capital Program Committee
- Deferred Compensation Committee

Prior ADA Self-Evaluation and Transition Plan

The 2021-22 Valley Transportation Authority ADA/504 Self-Evaluation and Transition Plan update was conducted by DAC and updates accessibility surveys and studies that were conducted previously. In addition, the VTA updated its current plan in 2023. The VTA plans to conduct updates on a regular basis.

Location of Self-Evaluation and Transition Plan

The Valley Transportation Authority ADA/504 Self-Evaluation and Transition Plan will be maintained and made available for public review by the VTA's ADA/504 Coordinator. The VTA ADA/504 Self-Evaluation and Transition Plan is available in alternate formats, as requested.

Regular Self-Evaluation and Transition Plan Updates

The ADA/504 plan is a living, ongoing document and requires regular updates to keep it current. As barriers are removed, it is important to update the plan to reflect the current barrier removal progress. If for some reason existing sites are acquired by the VTA, new facilities are built or acquired or no longer used by the VTA, the VTA will need to update the ADA/504 plan. Many VTA and county governments have a practice of updating their plan on an ongoing basis to prepare a progress update.

In its continuing efforts to maintain compliance, the VTA has several mechanisms in place to provide for an ongoing update of the self-evaluation and transition plan to provide a realistic and manageable plan to remove barriers. The VTA uses secure online accessibility management software called DACTrak, to update, document and track the findings and the implementation of

the plan, including progress reports. The VTA understands that the ADA/504 self-evaluation and transition plan is a living, ongoing document and requires regular updates to keep it current.

In accordance with Part 35.150 of Title II of the ADA, the VTA’s designated ADA/504 Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA, Section 504 and related accessibility standards and regulation.

Accessibility standards and regulations may change and will be incorporated into the plan as appropriate. Updates may also be necessitated by changes in the ADA, the California Building Code, Proposed Right-of-Way Accessibility Guidelines (PROWAG), Caltrans Standards, the Manual of Uniform Traffic Control Devices (MUTCD) and related accessibility standards. An example requiring updates that was facilitated by litigation is on-street parking. Another example is the FHWA and DOT memorandum clarifying what is maintenance and what is an alteration and when alterations trigger curb ramp installations. Due to the intake methodology for the site inspections that captured actual and detailed field measurements, DACTrak can be updated as codes change, which allows the ADA/504 plan to stay current without the need to do any re-inspections.

As public input is important to develop and prioritize the plan, the VTA solicited input from the public and staff as described in the public input portion of this document. Although the VTA actively solicited comments and surveys of programs, services and activities from VTA staff, community organizations and members of the public, it is anticipated that additional comments and input may be received and incorporated into the plan as appropriate. It is recognized that input from stakeholders is a valuable component of an updated, usable, and realistic plan.

Written Policies and Procedures

The Federal Transit Administration (FTA) encourages transit agencies to implement and update written policies and procedures for operations and may include written policies and procedures consistent with the Part 37 Subpart A general nondiscrimination requirements and the Part 37 Subpart G provision of service requirements. Written policies and procedures help ensure consistency in operations and assist employees to make objective and informed decisions to avoid unintentional discrimination. In addition, the FTA encourages training of employees to understand operating policies and procedures.

Written Policies and Procedures

As a comprehensive civil rights law, the ADA provides the same rights to individuals with disabilities as are available to all individuals. The requirement of the law is that entities cannot discriminate against individuals with disabilities. Section 37.5 contains a general prohibition against discrimination and states that “No entity shall discriminate against an individual with a disability in connection with the provision of transportation service” (§ 37.5(a)).

FINDINGS

COMPLIANT

- ✓ Nondiscrimination statements and provisions are available and accessible to the public and employees.
- ✓ Nondiscrimination statements are included on selected documents and in contract language.

RECOMMENDATIONS

None. No recommended changes for compliance.

Designated ADA and 504 Coordinator

The regulations implementing the ADA and Section 504 (504) require any public entity with fifty (50) or more employees to designate at least one employee to coordinate ADA compliance (28 CFR § 35.107(a)). In addition, federal regulations require public entities to make available to interested persons the name, office address and telephone number of the ADA/504 Coordinator. Furthermore, in providing for notice, a public entity must comply with the requirements for effective communication in Section 35.160.

The requirement for designation of a particular employee and dissemination of information about how to locate that employee, helps to ensure that members of the public, organizations and staff can easily access the ADA or ADA/504 Coordinator who is familiar with the requirements of the ADA. Although the law does not refer to this person as an "ADA Coordinator," this term is commonly used in state and local governments across the country and will be used in this chapter. Part 35.107 states that "a responsible person should be designated" to oversee and implement the plan. The ADA Coordinator is responsible for coordinating the efforts of the government entity to comply with Title II and the investigation of complaints. A government entity may elect to have more than one ADA Coordinator; however, this may be confusing for the public. Another option is to designate "ADA Liaisons" for departments or key areas of government in addition to the VTA's ADA or ADA/504 Coordinator.

In addition to the ADA, each public or private entity subject to [Part 37] shall designate at least one person to be the responsible employee to coordinate its efforts to comply with (§ 37.17(a)).

The information below in the indented paragraph is extracted from the Department of Justice (DOJ) publication entitled "ADA Best Practices Tool Kit for State and Local Governments" regarding the requirements to designate a responsible person to oversee the ADA plan and initiatives, known as the ADA Coordinator.

"If a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance in accordance with 28 C.F.R. part 35.107. A government entity may elect to have more than one ADA Coordinator. Although the law does not refer to this person as an "ADA Coordinator," this term is commonly used in state and local governments across the country and will be used in this chapter. The ADA Coordinator is 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. The name, office address, and telephone number of the ADA Coordinator must be provided to interested persons."

According to the DOJ Publication, an effective ADA Coordinator has, but is not limited to, the following skills:

- Familiarity with the state or local government's structure, activities, services
- Knowledge of the ADA and other laws addressing the rights of people with disabilities, such as Section 504 of the Rehabilitation Act 29 U.S.C. § 794
- Experience and understanding of a broad range of disabilities and acceptable terminology regarding disabilities
- Knowledge of effective communication for persons with disabilities, accessible alternative formats, technologies that enable people with disabilities to communicate, participate, and perform tasks
- Ability to work cooperatively with the local government and people with disabilities
- Familiarity with any local disability advocacy groups or other disability groups
- Skills and training in negotiation and mediation

- Organizational and analytical skills

Since the responsibilities are very similar, public entities may choose to designate a single staff member as both the ADA Coordinator and the 504 Coordinator and refer to the position as the ADA/504 Coordinator. Public entities may also choose to appoint the positions of ADA Coordinator and 504 Coordinator to separate staff members.”

Recommendations to enhance compliance with the Americans with Disabilities Act throughout this document will refer to the “ADA Coordinator”, although an entity may have an ADA/504 Coordinator designated. The 504 Coordinator is required to sign the project assurances for projects that receive federal and state funding, such as Housing and Urban Development (HUD) grants.

FINDINGS

COMPLIANT

- ✓ Jolene Bradford⁴, is designated as the ADA/504 Coordinator for the Santa Clara Valley Transportation Authority.
- ✓ Contact information for the ADA/504 Coordinator information is found on the VTA’s website and in selected VTA publications.

Jolene Bradford
ADA Coordinator
Accessibility, Civil Rights and Equity (ACRE)
Santa Clara Valley Transportation Authority
3331 North First Street, Building B1
San Jose, CA 95134-1927
Office: 408-321-5946
Mobile: 408-439-8043

- ✓ Requests for information from the ADA/504 Coordinator can be sent by multiple methods and include email, phone, or mail. The ADA/504 Coordinator currently does not have a direct TTY number but can be reached through the California Relay Service by dialing 711.
- ✓ Information is available in alternate formats upon request.

⁴ On November 17, 2023 Jolene Bradford was named as VTA’s ADA/504 Coordinator.

Provide ADA Feedback

You can send an email, letter, or call VTA's ADA Coordinator with your comments and suggestions.

Jaye Bailey, ADA/504 Coordinator

Santa Clara Valley Transportation Authority

3331 North First Street, B2

San Jose, CA 95134

Phone: 408-321-2300

TTY through California Relay at: 7-1-1

Email: customer.service@vta.org

Survey Comments from VTA Staff Regarding the Identity of the ADA Coordinator

Do you know who the designated ADA Coordinator is for the VTA?

#	Answer	%	Count
1	Yes – Please provide the name:	28.27%	54
2	No	71.73%	137
	Total	100%	191

Of the 191 VTA staff respondents, 71.73% did not know who the ADA Coordinator is for the VTA. There were a variety of names provided by staff of the identity of the ADA Coordinator. It is important that VTA staff know the identity of the ADA Coordinator.

Do you know who the designated 504 Coordinator is for the VTA?

#	Answer	%	Count
1	Yes – Please provide the name:	11.70%	22
2	No	88.30%	166
	Total	100%	188

Note: it is not uncommon for staff to know who the Section 504 Coordinator is. However, this response about the identity of the Section 504 Coordinator should be improved.

Survey Comments from the Public Regarding the Identity of the ADA Coordinator

Do you know where to find the contact information for VTA's designated ADA Coordinator on VTA's website?

#	Answer	%	Count
1	No – Please explain why not if you have tried before:	31.41%	49
2	No, I have not had a need or reason to seek out this person.	49.36%	77
3	Yes – If so, was this information easy to find?	19.23%	30
	Total	100%	156

RECOMMENDATIONS

None. Findings are compliant.

Additional recommendations listed will maintain and enhance the requirements and do not reflect corrective action.

- Due to the size, numerous responsibilities and importance of ongoing compliance with the ADA, Section 504 of the Rehabilitation Act and related accessibility legislation, it is

recommended that the VTA assign a full-time VTA staff member to serve in the role of ADA Coordinator and 504 Coordinator. The dedicated position could also serve in related areas such as Title VI compliance, as appropriate.

- The identity of the ADA/504 Coordinator should be maintained and updated to correctly identify the current identity of the ADA/504 Coordinator if the VTA staff member holding that position changes. Publications should be updated if the identity of the ADA/504 Coordinator changes or if more than one ADA/504 Coordinator is designated.
- Information regarding the identity of the VTA's ADA/504 Coordinator should continue to be provided to staff, posted at all VTA locations, incorporated into new employee orientation and volunteer packets, and placed in frequently used publications, on the website and in staff and public directories.
- It is recommended that the VTA publish the name, address, email address and phone number of the VTA's ADA/504 Coordinator in appropriate public notices, brochures, pamphlets, press releases, the website and other documents frequently distributed to the general public. Publications should also include a TDD/TYY and/or the California relay phone number.
- If additional VTA staff are assigned ADA duties specific to each department, the VTA could consider designating "ADA Liaisons" for certain areas in addition to the overall ADA/504 Coordinator. This method will avoid confusion by the public regarding who to contact and may increase communication between departments. The designation of one ADA/504 Coordinator will assist with the requirement to track complaints and their resolution (ADA and 504 requirement).
- VTA staff should receive ongoing information or training regarding the requirements and role of the ADA/504 Coordinator.

Grievance and Complaint Procedures

A public entity that employs fifty (50) or more people must adopt and publish grievance procedures and forms which provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA (28 CFR § 35.107(b)). Seasonal, part-time and contracted employees are included in the total count. If the VTA is a recipient of federal or state funds, Grievance procedures are required if the VTA employs 15 or more people as required by Section 504. In accordance with the ADA and Section 504, the VTA is required to have grievance procedures available to the public. The term "grievance procedure" is used by the Department of Justice. VTA governments may use the term "complaint" or "uniform complaint procedures" which may be identical or very similar.

A public entity that employs 50 or more people shall designate at least one employee to coordinate its efforts to comply with and fulfill its responsibilities under Title II of the ADA, including the investigation of complaints. This person is frequently named the ADA/504 Coordinator. A public entity shall make available the name, office address, and telephone number of any designated employee. In addition, the public entity must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II of the ADA.

In accordance with § 39.101(a), the VTA is required to designate one or more Complaints Resolution Officials (CROs), which may or may not be the VTA ADA/504 Coordinator.

The VTA is required to adopt procedures and due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part and 49 CFR Parts 27, 38 and 39.

FINDINGS

COMPLIANT

- ✓ The VTA website has readily available information regarding grievance procedures for members of the public. Grievance procedures and forms are contained in Appendix B.
- ✓ The Valley Transportation Authority grievance procedure is publicly available on the VTA’s website. Hard copies of the policy and procedures are also made available. The grievance procedure is available in multiple languages on the VTA’s website. A copy of the VTA’s grievance procedure and form are included in Appendix B.
- ✓ Procedures for submitting a grievance are included with the policy.
- ✓ The VTA provides a hard copy or online form that can be completed by a grievant to describe the discrimination complaint. Alternative means of filing complaints are provided, such as personal interviews or tape recordings of the complaint, are available for persons with disabilities upon request.
- ✓ The grievance procedure includes an appeals process that includes the ADA/504 Coordinator, other departments and selected independent representatives.

Survey Comments from VTA Staff Regarding Grievance Procedures

Have you received, or are you aware of any specific concerns, complaints or problems regarding access for persons with disabilities to any of the programs, services, activities or facilities provided by the VTA?

#	Answer	%	Count
1	Yes - Please describe:	33.52%	59
2	No	66.48%	117
	Total	100%	176

Note: The following VTA staff survey comments are accessibility concerns or complaints that VTA staff are aware of and do not reflect formal grievances. Detailed survey responses are contained in a supplementary document available from the ADA/504 Coordinator.

A summary of VTA staff accessibility concerns or complaints include:

- * Door pressure too heavy
- * Occasionally regarding operators
- * Downtown San Jose light rail stops. No railings to protect tripping/falling from ramp, no tactile strip (not allowed by downtown association) and transferring between bus and light rail in downtown San Jose
- * Restrooms serving the public, located adjacent to the River Oaks auditorium are ADA non-compliant.
- * Public restrooms
- * LRT stations downtown
- * Not all bus stops are compliant

- * No audio information on light rail platforms regarding arrival times, loading location, current status of train operations, etc. Compare this to announcements on CalTrain platforms.
- * Need clear path to bus stops and VTA facilities
- * Bart Berryessa blue curb for off-loading disabled persons.
- * EV charging
- * Lack of assistance for the blind. In specific items in place to help them find their way to buses and identify stops and routes.
- * Service animal complaints/denial of service
- * Challenges attending public meetings virtually or in person, navigating connections from LRT to bus in downtown San Jose, access to bus stops, boarding buses, paying transit fares
- * Access to zoom meetings that have closed captioning.
- * New light rail vehicle headlines. For people with color blindness, the blue destination sign causes an issue. Hard to see
- * In one of the CTMA meetings, there were suggestions regarding placing the Braille placards installed at VTA bus stop poles at a lower height to accommodate persons in chairs.
- * Visual and Audio(PA) messages does not match or sync in Light Rail Stations, which is an ADA requirement
- * People with walkers may need ADA doors to open on their own. Some doors are not functional
- * Please make elevators at your platforms a priority or if the elevator is down at a specific station the station should be closed and passengers notified in advance and throughout the trip
- * I've seen specific concerns from the public related to access to facilities that cannot be accessed by wheeled devices for example there are impediments (no sidewalk or ramp or blocked by scooters, trees, abandoned carts) for a person in a wheelchair to access our service.
- * Accessible website
- * I am currently working on a complaint in downtown San Jose which involves access ADA issues transferring from LRT at Santa Clara Station to Route 72. I have to also consider ADA improvements in planning/capitol project delivery programs and when reviewing land use/development proposals.
- * The elevator in building B has non-functional external call button light and 2nd floor internal call button light. I've reported the first issue at least 4 times over the past 3 years and it's still not fixed!

RECOMMENDATIONS

- The VTA should make efforts to inform staff and the public of the existence of the VTA's ADA/504 Coordinator, grievance procedures, the steps for handling grievances, and the VTA policies for remediation of grievances.
- Information regarding complaint procedures should continue to be readily available to members of the public, as well as to employees and applicants. Procedures should outline the steps needed to resolve a complaint.
- The VTA can provide the grievance procedure and form in accessible alternate formats on the VTA's website.
- A method to collect data and collect a profile of complaints and grievances should be developed. The status of the complaint and the time from complaint to resolution should

be documented to assist with interventions and staff development to reduce or eliminate repeated complaints.

- Complaint procedures and forms should be available as hard copies at all VTA facilities and in all departments in addition to the website.
- Training should be provided to staff regarding the requirements and purpose of the grievance procedure.
- The VTA might consider the centralization of complaint handling to assist with the tracking of complaint resolution. A centralized database and analysis of types and locations of complaints may also assist with developing profiles to assist with targeting quality control and training measures. Centralized record keeping of such information will help the VTA to regularly update its compliance efforts, and plan for additional compliance implementation for training and budget considerations.
- The ADA/504 Coordinator or designated staff can develop updated reports based on a profile of concerns or complaints to determine the needs for proposed training materials, agenda items, and proposed budget expenditures.
- Procedures should continue to be developed, implemented, and institutionalized to provide consistency for complaint resolution and record keeping.
- Grievance procedures should continue to provide an alternate point of contact other than the ADA/504 Coordinator.

ADA Notice of Rights Afforded to Persons with Disabilities

The ADA requires that the VTA provide a notice of the rights afforded to persons with disabilities. Public entities are required to provide information to applicants, participants, beneficiaries, employees and other interested persons of the rights and protections afforded by Title II of the ADA (26 CFR §35.106).

In providing for notice, a public entity must comply with the requirements for effective communication in Section 35.160. The notice of rights afforded to persons with disabilities includes a nondiscrimination statement and the method to request a reasonable accommodation.

The notice is required to include relevant information regarding Title II of the ADA and how it applies to the programs, services, and activities of the public entity in a nondiscriminatory manner. The notice should include the contact information for the ADA/504 Coordinator.

As recommended in the ADA Tool Kit published by the Department of Justice (DOJ):

Public notice about the ADA is required in accordance with 28 C.F.R § 35.106. The notice is required to include relevant information regarding Title II of the ADA, and how it applies to the programs, services, and activities of the public entity. The notice should not be overwhelming.

An effective notice states the basics of what the ADA requires of the state or local government without being too lengthy, legalistic, or complicated. It should include the name and contact information of the ADA/504 Coordinator.

FINDINGS

COMPLIANT

The VTA’s notice regarding the rights afforded for persons with disabilities is compliant and is available in multiple languages.

Notice to the Public **Americans with Disabilities Act (ADA)**

VTA is committed to providing safe, reliable and convenient bus and light rail service that is accessible to persons with disabilities. The Americans with Disabilities Act of 1990 (ADA) {42 U.S.C. Section 12101 et seq., Stats 327} protects against discrimination based on physical, cognitive, visual or perceived disabilities. Recognizing the importance and value of all people in America’s society, the ADA protects the access of all people to public services including transportation and employment opportunities.

A copy of the full text of the VTA’s ADA Notice is included in Appendix A.

Survey Comments from VTA Staff Regarding the ADA Notice of Rights

Is a “Notice under the Americans with Disabilities Act” or a nondiscrimination statement available and posted or noticed for program participants who may be persons with disabilities?

#	Answer	%	Count
1	Yes - Please describe the locations where it is available:	39.13%	63
2	No	2.48%	4
3	Do not know	57.76%	93
4	Not applicable	0.62%	1
	Total	100%	161

39.13% of VTA staff were aware of an ADA notice or a statement of nondiscrimination being available or posted.

RECOMMENDATIONS

None. As the VTA provided extensive opportunities for input, additional recommendations listed will assist to maintain and enhance the requirements and do not reflect corrective action.

- The VTA should continue to post a Notice Under the Americans with Disabilities Act that includes rights afforded to persons with disabilities, a statement of nondiscrimination, process for requesting an accommodation and the contact information for the VTA’s ADA/504 Coordinator.
- The VTA might consider the designation of “ADA liaisons” that would be designated for the majority of the departments as the VTA grows in size. The designation of ADA liaisons may increase the communication between departments and the ADA/504 Coordinator. The designation of one ADA/504 Coordinator with ADA Liaisons will assist with the requirement to track complaints and their resolution (ADA and 504 requirement) and facilitate timely communication.
- Information regarding the identity and contact information of the VTA’s ADA/504 Coordinator should continue to be provided to staff, posted at all VTA locations, incorporated into new employee orientation and volunteer packets, and placed in frequently used publications, on the website and in staff and public directories.

- The VTA should provide ongoing notice of the identity of the Valley Transportation Authority's ADA/504 Coordinator on its website and in frequently used publications or documents accessed by the public and by recipients of programs, services, and activities.
- The notice should also be provided in applicable newspaper advertisements, on applications, at program sites, in program handbooks, in regular mailings, on legal notices, in requests for proposals/qualifications, on facility use agreements, and in contracts.
- The notice should include the name, title, address, and phone numbers of the ADA/504 Coordinator. The notice should include a TDD/TTY number and/or California Relay number to ensure equally effective communication. It is recommended that the notice include the email address for the ADA/504 Coordinator.
- Notices should be posted in conspicuous high use locations on a regular basis in addition to the VTA's website.
- Information regarding the requirement to post the identity of the ADA/504 Coordinator, notice of rights in accordance with the ADA/504 and related information should be sent to each department by the ADA/504 Coordinator or other appropriate official. A standard notice should be given as an example. Each department could add specific information applicable to the provision of programs, services, and activities.
- Posting and notice requirements should be updated if the identity of the ADA/504 Coordinator changes or if more than one ADA/504 Coordinator is designated.
- Nondiscrimination statements should be included on selected publications, brochures describing programs, services and activities offered by the VTA, new employee materials, recruitment materials, publications and frequently used forms and documents.
- Policies, practices, and procedures for nondiscrimination should refer to members of the public, in addition to employees, and address nondiscrimination regarding access to all programs, services and activities for persons with disabilities and not be limited to employment. The VTA should consider adopting a general nondiscrimination policy for access to programs, services, activities, applicants, and employees.
- Contractors and vendors that provide printing and publication services should be notified of required statements, required font, and required contrast for accessible publications.
- The VTA should consider adding a "How do I" section to the website to assist with finding items such as the identity of the ADA/504 Coordinator, how to request a reasonable accommodation and other items such as providing accessibility input regarding a concern or compliment.
- Training should be provided to not only the ADA/504 Coordinator, but to ADA departmental liaisons.
- VTA staff should receive information or training regarding the requirements and role of the ADA/504 Coordinator and the 504 Coordinator.

- The new employee orientation packet and volunteer information should include a statement of nondiscrimination by the VTA regarding the public's access to programs, services, activities, recruitment, and employment.

Opportunities for Input and Public Participation

The regulations which implement the ADA require public entities to provide an opportunity to interested persons and organizations to participate in the self-evaluation process. For three years after completion of the self-evaluation, the public entity must keep records of any problems identified (28 CFR §35.105 (a)(b)). In addition, the FTA states that the entity shall contact individuals with disabilities and groups representing them in the community. Consultation with these individuals and groups shall take place at all stages of the development of the request for equivalent facilitation. All documents and other information concerning the request shall be available, upon request, to members of the public. Not only is public participation required, but it is crucial for the implementation of the VTA self-evaluation and transition plan. FTA encourages transit agencies to engage riders with disabilities when making decisions about local transit service.

As described in VTA guidance, outreach goes beyond simple notification; it is an ongoing activity that provides an opportunity for obtaining direct input from potential users. The documentation of public participation required under § 37.7(b)(2) must include the input received during the public participation process.

As per § 37.137(c), the entity shall create an "ongoing" mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities. A transit agency must have ways to obtain feedback from the disability community on its paratransit service. Examples of ongoing participation mechanisms include citizen or rider committees and holding periodic meetings and workshops. This input is very important when transit agencies are considering modifications to complementary paratransit service policies, particularly when such modifications result in reductions in service. In addition, when considering fare increases or major reductions in service, there are § 5307 requirements for public comment on fare and service changes. The law requires transit agencies receiving § 5307 urbanized area formula grants to certify that they have "a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation service"

FTA encourages transit agencies to engage riders with disabilities when making decisions about local transit service.

FINDINGS

EXCEEDS COMPLIANCE REQUIREMENTS

Opportunities for public participation greatly exceed compliance requirements.

- ✓ VTA provided multiple and comprehensive opportunities for the public, organizations and staff using multiple methodologies. As such, there are no additional recommendations for opportunities for input.
- ✓ VTA provided a comprehensive process for input by the public, organizations and staff using multiple methodologies to reach a large group of diverse stakeholders.
- ✓ Multiple types of surveys were developed and disseminated to solicit input into the VTA ADA/504 Self-Evaluation and Transition Plan. Surveys were developed to encourage input from the public, organizations and VTA staff.

- ✓ VTA provided public notice through a variety of methods that included:
 - Public input information is placed on the homepage, ADA Transition Plan page, VTA Paratransit page, and the Senior Services page of the VTA’s website.
 - Notices were also made through social media accounts and the VTA blog.
 - VTA provided online and hard copy surveys for public and organizations in multiple languages.
 - Emails regarding the staff survey were sent to VTA employees.
 - Hard copies of notices were placed in high traffic areas throughout the VTA ridership area.

- ✓ Surveys and postings were used to solicit input from the public, organizations, and VTA staff. Select responses are included throughout this report. The complete surveys and responses are available as supplementary records. Survey comments are the actual comments submitted and have not been redacted for spelling or grammar. The summary of the number of responses that the VTA received to each survey is as follows:
 - Survey for Staff: 214 online survey responses, 2 by email
 - Survey for Public: 185 online survey responses
 - Survey for Area Organizations: 19 online survey response

- ✓ For the purpose of developing an updated ADA/504 self-evaluation and transition plan and to provide opportunities for input, public notices regarding the VTA ADA/504 Self-Evaluation and Transition Plan were developed and disseminated for public and staff soliciting input into the development of the VTA ADA/504 Self-Evaluation and Transition Plan.

- ✓ VTA’s public input timeframe took place from March 15, 2021 to June 13, 2021 for the public and organizations and from September 13, 2021 to October 12, 2021 for staff.

- ✓ Survey questions and responses collected during the public input process have been compiled and will be maintained by the ADA/504 Coordinator in a supplementary documentation file. Selected survey responses are included in this summary.

Input from the Public

Public input was provided regarding the programs, services and activities of the VTA. This section focuses on comments that the public labeled as “high priority”. Respondents were asked for what they considered to be high priorities for accessibility and to provide comments and suggestions. Selected survey responses that have a higher prevalence and response frequency are reported in this summary. Most comments are verbatim. Some comments have been edited for clarity and spelling.

It is important to note that some of the comments may not directly relate to programs, services and activities of the VTA, but may be located within the ridership area and be provided by or the responsibility of another authority or private business.

Here's How You Can Help Make VTA More Accessible

03/15/2021 | Jolene Bradford

VTA is implementing its Americans with Disabilities Act (ADA) Transition Plan and self-evaluation, and conducting an important survey to gain public feedback. The plan represents an agency-wide assessment of VTA's facilities, programs, services, activities and events.

This effort will help VTA identify barriers to our bus stops, facilities, transit centers, park & ride lots, and even the VTA website that persons with disabilities have experienced issues accessing. When completed, the plan will allow VTA to better serve persons with disabilities.

As part of this plan, VTA is requesting input through a survey starting March 15 thru June 13, 2021. By taking this short survey, you will help VTA identify barriers to access and you will be entered into a drawing to win a \$50 Amazon Gift Card*.

The online survey is at the following link: [Survey for Public Input](#).

For more information about VTA's ADA Transition Plan or to get the survey in an alternate format visit www.vta.org/accessibility or call VTA's Customer Service at (408) 321-3200/TTY through California Relay at 7-1-1.

*No commitment or purchase necessary. VTA Board members, employees, and contractors and their families are not eligible for this drawing. VTA does not sell email addresses.



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The majority of the members of the public that responded to the survey (53.21%) stated "yes" that the VTA is helpful, supportive, positive and proactive in solving accessibility issues. An additional 14.74% stated "somewhat". Only 13.46% stated "no".

Is the attitude of VTA staff towards persons with disabilities generally helpful, supportive, positive, and proactive in solving accessibility issues?

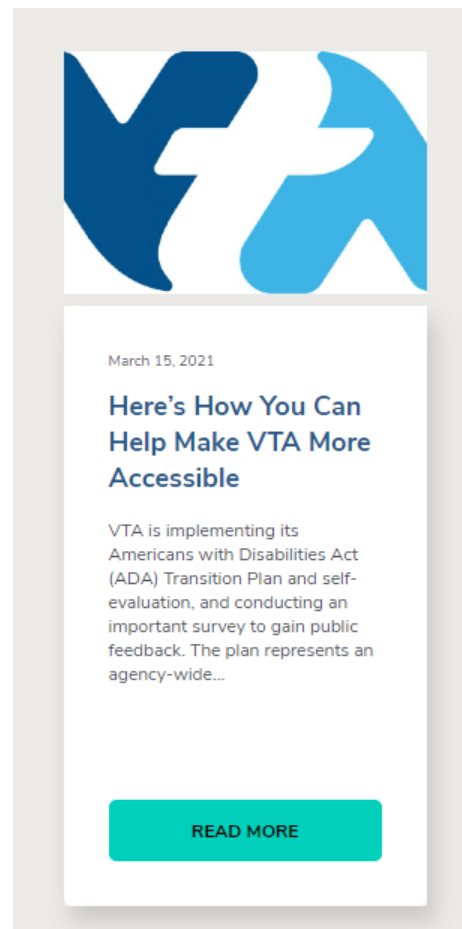
#	Answer	%	Count
1	No - Please explain:	13.46%	21
2	Yes	53.21%	83
3	Somewhat	14.74%	23
4	Do not know	18.59%	29
	Total	100%	156

A summary of the responses from the public include:

- On busy bus routes at peak times (morning commute, etc.) maybe there could be an additional 'bonus' bus to allow for disabled passengers and bulky mobility items so that they aren't stuck waiting and commuters aren't late for work/connecting rides.
- If the wait time could be shortened that would be helpful. There were instances where I was ready one hour prior to the reservation and the car did not arrive for an hour after the reservation time.

- Better ride matching algorithm using modern techniques so that people are picked up close to time of arrival. Currently sometimes paratransit riders have to leave 2 hours earlier for a half hour ride.
- Stop areas should have rails and overhead protection to help with weather issues.
- I need to be able to get on the bus. I need the driver to get closer to the curb so I can get on and off without the ramp. Or when they tell me when I need to get on in the back the bus, I can't do it.
- Making sure elevators are in working order. This should be the top priority
- Provide benches and seats like the pop-up seat attached to the pole for people to sit and not stand for over 30-60 minutes.
- Making the automated call distribution system more streamlined and user-friendly creating less time in the call queue and improved mean times for VTA.
- Make sure the lifts in the buses are working and that ACCESS Paratransit can expand its service area so that my house can be inside the service area.
- Have two schedules one for people who take VTA at the same time to get to work or school so they don't have to get to work one hour early and wait an hour or more after work or school. The second priority should be for kidney patients and other doctors appointments. The third priority is for entertainment.
- Have the bus drivers speak slowly and clearly. Some of them tend to be in a rush. They can be more helpful if they slow down.
- VTA is pretty good about taking care of its passengers and when something is needed they usually get to fixing the issue within a decent amount of time.
- So far, I haven't had any problems regarding any issues. I am limited to scheduling rides to and from selected places and so far everything is good for me.
- Just lecture the drivers to help a disabled person. Some drivers are very rude to them.
- I am only temporarily disabled and will possibly call back in 3 months once I take VTA more and can give VTA a better answer at that later time.
- Be flexible with your rules and regulations and accommodate persons with disabilities as much as you can. They are already facing a lot of stress. Please do not add to that. Thanks for listening.
- Procedure to enroll new customers could be simplified, specifically for seniors above 70, who often face mobility issues like painful knees etc. The present procedure for granting transportation facility is a bit complicated.
- Providing more accessibility. Drivers should ask the nondisabled people sitting in the ADA section to relocate so that someone with a disability can board and ride in the ADA section.
- Being more considerate and more care from staff.
- Protect blind persons from changing traffic patterns such as increased bike lanes and silent electric cars.
- Use a smaller vehicle for riders who do not need an aid to walk and are riding alone.
- I think if someone has a walker or cane that drivers should automatically lower bus so that I do not have to ask.

- I think the priorities should be physical accessibility, visual aids and audible information.
- I feel that VTA is doing a great job serving all its riders
- Very satisfied with the service. No comment for improvement
- I actually have no complaints, only compliments. My mom and I have only had wonderful drivers, wonderful experiences. If we have had any special requests they have been resolved very quickly. Seems like everyone at VTA that we have come across have all very nice and accommodating and care.
- I try to find info online and I struggle with how to track a vehicle once it is left. How do you go about doing that and it should be listed. Since I cannot track it. and there is no place for comments when you book at trip. I get concerned that the driver will just drop my dementia dad at the curb and drive off and leave him. It does not state exactly what your drivers are supposed to do with their clients. When you have 1/2 plus window it is hard to sit in front of my house to watch for him, Then some drivers have him here in 25 mins, others 50 mins (not talking bad traffic). I just get scared what your driver will do if I am not out front. 3, I cannot find anywhere online if I am supposed to give your drivers tips. Thank you
- To be sure a person who is disabled to be able to get on and off bus without more injuries
- I recommend a client call or write and ask VTA 2 weeks in advance for the accommodations for a particular event that they want to attend. I have done this many times and I have been helped very well.
- Re-train entire staff, especially drivers about disability sensitivity and discrimination against disabled.
- More accommodations for in house public meetings is my major concern when pandemic is over :)
- Provide more information about ADA Programs on timely manner maybe once every quarter.
- Better IVR system to accommodate hearing challenge people.
- I think there should be more streets with beeping signals
- In my case since English is my second language, for booking staffs to speak a little slower.
- The highest priority should be make sure the trains are on time and avoid delays. It doesn't matter how accessible the train is if it doesn't show up on time.
- Access Paratransit needs better consistency on pickups for return home trips. Sometimes they will leave people stranded, especially in the evening. Most times they will be extremely late, or leave you there stranded for hours. On the bus side, operators attitude sucks towards the public. If you hate people or serving the public, why are you doing a public service job? The systems to apprehend troublemakers on light rail are not affective. Fare Inspectors tend to target people who are not doing anything rather than stopping people who are the issues on the train. Operators tend not to do anything when there is trouble on the trains. No security guards at the stations. Urine, fecal matter constantly in the elevators constantly. They are letting loony toon characters run around all over VTA's property. They



socialize with passengers rather than observe and report. Security guards do not station hop to make sure people are safe. They stay in 1 station the whole day and do nothing.

- Train drivers to not pass up wheelchairs
- Improving the route frequency. Recent adjustments from 2019, VTA got away with line 62. Line 62 was a primary route for me & now I have to travel further to access VTA with it gone. I use a mobility scooter.
- I did notice that the majority of your meetings are during the day. I don't know if it would be better to have them at 7 or 7:30pm?
- Blind people should be accompanied to the door and not just left at the curb. (*Translated from Spanish*)
- Difficult to find available Access rides during non-COVID times
- Sign language or automated announcements at the shelters. More inspectors or VTA personnel to assist and accommodate people who need help, i.e.: directions or assistance on and off the bus or help if there is a dispute with another passenger because the bus driver is always so busy.
- Keeping people out of the front seats for the physically disabled persons i.e.; wheelchair so this would also save time for the bus driver who then has to tell them to move
- If you provide all that you mention above would be very helpfully, and you also have to publicize it.
- I would like to "hear" announcements of the next bus arriving at regular bus stops as well as light rail. When a customer cannot see, the lighted sign boards are useless...
- Hear the people
- Cannot think of any improvements needed at this time
- Keeping VTA buses fare free.
- Only complaint caller has is sometimes she needs a cutaway and sometimes does not always get it; she gets a van because her wheelchair doesn't fit in the van. Caller wants more cutaways as her wheelchair is big and this is what she requires.
- Easier access to public transportation
- More room for wheelchairs and walkers on the bus as well as in board room. Also more emphasis on bus drivers to ask the non-disabled to vacate front seats for disabled people. Most drivers I have encountered don't ask, & disabled have to stand holding onto the rail or hanging straps...
- I just started taking VTA this year but you guys are doing great!
- Work to improve the path of travel for someone transferring from one mode of transport to another. Some distances are too far to navigate in a reasonable time period in order to make necessary connections.
- I think it's fine how they are.
- Safety of the passengers and clear communication.
- VTA should provide more programs and helps for people with disability.
- Providing more accommodations for persons with disabilities
- *I* could certainly use assisted listening. I do not use sign language.
- I would love for my daughter to have a more efficient way to go where she likes to go, without needing to plan hours in advance for a place a few miles away!
- Have patience and give people with disability more time to get in transportation.
- Operators should not assume who is disable and who is not.
- People need to learn respect for others Like I said before. The people that answer phones or the dispatch should be trained again. I've heard how they talk to the drivers. They are rude and talk to them like they are trash.
- Bus drivers should be more knowledgeable about guide dogs. If the bus number is not announced, the driver should open his or her mouth and tell a blind person which bus route

they are on. Bus stop signs should be lowered and should be in larger print so that people with visual impairments can read them. Right now, they are too high up on the pole and the lettering is much too small. Communication between bus drivers and passengers has gotten much worse over the years. This needs great improvement. Meetings conducted by VTA that concern ridership should be virtual so that anyone who wants to attend can attend the meetings.

- They have to do something about making it possible for me to get off this train if an emergency occurs. To make it safer for me to walk down in case an emergency. 2nd and Santa Clara, that edge I can't get off, I have to wait until they get to the platform, which is not acceptable, I should have the same privileges from everyone else.
- Providing more accommodations for persons with disabilities.,
- Stay current with new technology.
- Being inclusive with the persons with needs. To be open to a dialog with the persons who are of the disabled community.
- * Improved technology that includes brighter illumination throughout for safety and improved comfort * Improved and more frequent presence; surveillance and monitoring by law enforcement both on boarding and transportation mediums with canines to randomly check for illicit drugs, weapons, and so on to discourage and eliminate loitering and vagrants with an improved sense of safety and support. Disabled people are much more vulnerable, yet a lot more could be done from a practical and common-sense approach. Yes, funding and priorities impact what is or can be - but make that the priority for all. Otherwise, it is a risk management vulnerability. VTA needs to also quit causing disabilities with their reckless, disgruntled and selfish employee pool. I have a client who was ran over by VTA and is severely crippled now. So sad. She and spouse settled out of court with your agency. This survey serves a purpose, but until you address the root causes of anger, indifference and disgruntled manpower at the wheels of these tools, and their incompetent, lazy management - no amount of surveys are going to bring about results you desire. The problem with address this matter is greater than the surveyor(s) and those of us taking the survey. I have recently experienced a Jerk Bus driver who dropped me off 7 blocks past my requested drop off point after providing ample notice of bus stop request on El Camino Real during the afternoon. The drivers are physically present, but mentally elsewhere. There is a gross and pervasive lack of hospitality in general by most if not all staff. I know the job and driving in traffic with other rude, aggressive drivers can be a trigger - but it all begins and ends with drivers/employees being mindful to be mindful and have an attitude of gratitude, not ATTITUDE!
- Hearing and visual aids
- On buses if the Disabled ADA is taken by a Non-Disabled Person, the Driver should request that person to vacate for the disabled person. I've seen a lot where the Disabled Person gets Harassed by the Non-Disabled Passenger
- I am legally blind I have macular degeneration and at bus stops it would be helpful if you had audio to say what bus stop, I am at so I can hear it as I struggle to read the sign. Also, if you could make the signs on the shelter and the stop much larger bolder brighter so visually impaired persons can see them better.
- Providing leaflets at stops. Navigating the internet can be very challenging for the older and disabled population. It's nice to have access to information in traditional print in a larger font.
- More accessible stops for people with disabilities and the elderly. A lot of stops were rerouted or removed from the downtown area where a large percentage of the elderly and people with disabilities reside.

- Improving access to the Social Services buildings where In-Home Supportive Services, Adult Protective Services, and the Public Guardian's office is.
- Only thing I could recommend would have to be more public visuals, like what the everyday traveler would see on their daily travels to get to their destination
- More bus stops, so that a disabled individual can access a bus stop within 0.125 miles of where there are Residential Homes, and Businesses.
- Providing more space on buses for ADA persons. The bus 25 has multiple pass ups because they already have 1 wheelchair on the bus. The bus cannot accommodate more than 1 wheelchair right now.
- Improvements to accessing public facilities, fixing light rail platforms
- Providing more visual advertisement and a sense of safety while riding the bus. Sometimes individuals with disabilities tend to feel vulnerable when riding the bus alone.
- I wish that some employees of MV Transportation like the scheduler and dispatcher should take a short course on how to provide good customer service.
- Providing appropriate transportation.
- More frequent buses/trains to accommodate volume of wheelchairs and able persons with strollers, large backpacks, luggage, large shopping carts, etc. That is, after pandemic when more people are comfortable riding transit
- Coming closer to the curb so I can get on easily and putting the ramp down every time without questioning if I have a disability.
- More routes such as from Saratoga to Los Gatos busses that operates on Weekends, Extending the Eastridge-West Valley College on Weekends, Having West Valley College-Mountain View Daily. Offering Free Rides for individuals with disabilities with an easy to fill out application online. Enforce rear door boarding through 2022 and allow those with disabilities to board from the front.
- Take more riders during the Pandemic.
- Just be nice!
- Disabled people need more help. (*Translated from Spanish*)
- Hearing and Visual aids.
- Your questionnaire is flawed.
- Definitely providing more accommodations for people with disabilities.
- I am red/green colorblind and it's not a serious disability as far as riding VTA. I just wanted to provide feedback that color-coded signs, lines, grids, and maps are oftentimes difficult to use for color-blind people unless there is descriptive text. I prefer to have clearly labeled and high-contrast charts, graphs, pictures, with text included as a description. There appears to be a shift to colors and pictures in public transit without text and calling routes by color such as Yellow-Line or Red-Line. This is not helpful to color-blind riders. Just wanted to keep that on the radar for future consideration.
- Employee education. Change the culture from "the client is a nuisance" to "we are here to take care of people; how can we meet the needs of our disabled clients?"
- Continue to offer discounts. Try to train drivers to be more assistive and recognize just because someone is not in a wheelchair - that they may have other mobility issues that might require them to drop the bus down etc.
- Provide same day service for sudden appointments, Lower prices, and as a recommendation, possibly gift cards for ACCESS and a system of being able to gift friends by being able to put money on their account.
- Not worried everything is good...
- More efficient.
- I think providing more accommodations to those with disabilities is a good start to show communities that you are serving that you care for your riders.

- It would be nice to equip the seats with seatbelts for disabled people who do not use a wheelchair. (*Translated from Spanish*)
- Advertise how to contact. Include seniors.
- Letting people know what the services are and how to avail themselves of the services!
- I don't know. (*Translated from Spanish*)
- Would like to see if ACCESS Paratransit could be covered by Medicare.
- ASL interpreters should be standard. Meetings should be universally designed to meet as many human needs as possible and not put the burden onto people with disabilities to ask for extra stuff ahead of time.
- Eliminate all bus stops without safe access fix the fall hazard in downtown San Jose light rail platforms bus stop amenities at stops frequented by older adults/people with disabilities announce route changes/detours on buses
- More accommodations because it is not enough.
- There is nothing. People are really helpful in every need.
- Driver's attitudes towards disabled people. So many of them are jaded and act so entitled like disabled people are taking up their time.
- Adding more stops along the routes, ensuring adequate lighting for stops that are otherwise in the dark
- Improvements to accessing bus stops
- Schedule busses to arrive every 10 minutes. (*Translated from Spanish*)
- Happy with the current service.
- Customer is very satisfied with VTA services.
- Schedules should be clearer and more understandable.
- Visual aids and public meetings so any concern can be voiced then and there
- It's fine how it is. (*Translated from Spanish*)
- Cleanliness on vehicles, buses and light rail as they consistently dirty/dusty, and breathing in dusty-dirty air is unhealthy.
- Has seen a lot of positives with the VTA, says sometimes it's an issue with passengers.
- Certain buses need updates with the ADA sections, operators should be courteous with people with disabilities.
- Expand the boundaries of access paratransit.

Input from Organizations

- To make sure no discrimination against colored people.
- Do not outsource like taxi company. They do not have training to serve disabilities. They do not watch client's safety.
- I would like VTA to advertise the policies of any kind of discrimination in buses or VTA Access,
- During the COVID-19 pandemic, due to the reduced capacity on buses, blind people who take a bus are often ignored by the driver and not allowed to get on the bus because there are enough people on the bus according to regulations. The blind often lose their opportunities to get on the bus by others. I think the driver should let the visually impaired people get on the bus first. (*Translated from Vietnamese*)
- Be friendly and patient instead of in a hurry, short temper, rude Dispatchers/schedulers - Ask & include directions to the program, where student is dropped off and picked up not just the school location. Drivers know ahead of time the directions and where to pick up the student. "Snatch and run everything"!
- Notice supervisor
- Listen

- We all need to be better about more accommodations of closed caption, sign language interpreters, at community meetings. VTA does a good job of translation into languages

Input from VTA Staff

- Provide more education and training for VTA Staff.
- Departments evaluating employees needs in the event of an emergency situation. It is better to understand before an emergency situation so employees are prepared to assist.
- Ensuring that our facilities are accessible.
- Providing more resources about ADA on VTA's internal/external website, providing more education and training for VTA staff
- Improvement on access to transit in general (better transit for persons with disabilities is better transit for all - more frequent schedules, shelters and other facility improvements, etc.) More training for staff, especially frontline staff on accessibility would be beneficial too.
- Funding our already developed list of capital improvements related to ADA
- I have seen no training for VTA personnel regarding individuals with hearing disabilities for whom none of the current technology is appropriate or functional. Such individuals are still hearing disabled and cope with that disability.
- Need more information about accessibility for persons with disabilities
- None at the moment
- Educating the community about the accommodations VTA has for its customers with various disabilities - either through Outreach to various groups that offer solutions for those with disabilities or through advertisement (TV, Radio, Website).
- Making bus stops and transit centers accessible.
- Providing more education and training for VTA staff.
- Verifying things like ramps, doorway openings and space around doorways are up to code.
- providing education to the VTA staff on the ADA, it services, what it can do to assist. Education is needed and training of the team members that are to support the program. Outreach and communication are also needed.
- We need to not be a doormat for cities/downtown associations when the question is about doing the right thing to be more accessible. We get pushback due to aesthetics.
- 1. Provide directional signage from the street/bus stop/River Oaks light rail station indicating the accessible path of travel to River Oaks facilities accessed by the public (Bldg B HR lobby, auditorium, board room, Bldg A lobby). Provide signage to minimize backtracking, and at all locations that are decision points. Need a signage "program". 2. At auditorium and board room, install signage for the public that states, "Assistive-Listening System Available". (Confirm that VTA provides assistive listening capability) 3. Provide ADA compliant service countertops for the public in the HR lobby and Bldg A lobby. 4. Provide compliant restrooms to serve the River Oaks auditorium.
- I have noticed it is difficult for a colleague to get around in our area. More door automation would assist. as well as access to buildings without stairs.
- I think the highest priorities should be to improve ADA access and amenities at VTA's public facilities. In addition, I think there should be more education and training for VTA staff regarding ADA.
- 1. Providing more resources about ADA on VTA's internal/external website 2. Providing more education and training for VTA staff 3. Providing more outreach and coordination with the public on community needs
- Providing more resources on VTA's HUB and website and providing more education and training for staff.
- Providing more accommodations for persons with disabilities.

- First, definitely more education to staff on what VTA does have available and any resources that can be utilized.
- Since I do not have direct experience or input from riders with disabilities, I would defer directly to their comments and requests.
- more visual aids
- Providing a high level of accommodation on VTA light rail and buses for passengers with special needs.
- Providing specific hearing and visual aids for events and public meetings, providing more resources about ADA on VTA's internal/external website, providing more education and training for VTA staff, providing more outreach and coordination with the public on community needs
- At the moment, one of the priorities should be to provide accessibility within the divisions. I see River Oaks has automatic doors and provides far more access than what the Cerone or Chaboya divisions offer - I am not too sure about North, since it's a newer division
- Provide more information regarding ADA law and who is responsible in implementing them.
- Ensuring access for VTA's transit services
- Improvements in accessing VTA's services for people with disabilities.
- Providing more education and training for VTA staff
- Provide education and training for staff.
- Providing accessible, clear information about website and other virtual needs for projects. Providing ADA-compliant facilities for our customers.
- I would like to see some improvements to help disabled persons access our facilities.
- Outreach and coordination with public on community needs.
- VTA should assess the facilities and existing services first to better understand where the greater need is.
- Given the questions so far, it's clear that someone at VTA is much more knowledgeable about ADA than me and would like me to be more knowledgeable as well, which is a good thing. As such, I'd defer to the experts at VTA or people who have relevant lived experience to answer this question rather than make my own guesses.
- Increased support for customers during service disruptions. Customers often feel abandoned with no assistance or information.
- Definitely more hands-on training. More signage downtown and prime locations We should invest in a different kind of wheelchair restraint for buses. Sometimes people with disabilities don't want to draw attention but drives have to put a 4 point restraint and it sometimes takes a while. We should consider a drive up and lock in.
- ** Yes to more education and training for VTA staff. ** If it's not already being done, perhaps more robust cross-collaboration and dialogue between OCR and Service Planning teams regarding data-driven ideas for the Better Bus Stops Program. ** Consider a dedicated staff/consultant who can advise on website and document accessibility improvements and who can monitor compliance with WCAG standards. ** Definitely yes on providing more outreach/coordination with the public on community needs. As some disabilities are not "visible" or obvious, such as cognitive disabilities, VTA could engage appropriate health and human services agencies for input.
- Accessibility to bus stops and community access to facilities
- improvements to accessing public facilities
- Outside of my purview
- Handling ADA when problems arise.
- From a Maintenance perspective, I feel that our Coaches are set up and function in a useful manner; not aware of more equipment needs as long as repair parts are readily available. But I would imagine that due to the nature of our business- Public Transit where coaches

are on a time constraint at stops, there likely is a lot of room for improvement so the ADA public is not unnecessarily rushed. I'm sure VTA does much for this (I have no first-hand knowledge) but I'm also sure things could be better. But to what end ??

- In order to improve accessibility for persons with disabilities, I believe the highest priority should be for systems change within VTA. Every department and every employee needs to understand the ADA requirements and their role in implementing requirements. I would prioritize internal training, informational sessions on what it is like to live with certain disabilities, ensuring employees know the processes to address ADA concerns, and ensuring employees know who at VTA is responsible for ensuring we are in compliance. We should not just be responding to issues reactively, but also proactively ensuring we provide access for all.
- I work at Overhaul and Repair, in the Upholstery Department. I see on a daily basis damage done to the ADA area of the buses. Some of the equipment is expensive to replace. Often the equipment differs from bus to bus, this makes keeping extra parts confusing. I feel it would be helpful to instruct Operator's how to use webbing belts, provided in ADA equipment bags in all buses, to prevent unnecessary damage to expensive parts.
- I think we could do a better job around the passenger unloading areas. by having deeper turn outs and better ramping for wheelchair access
- I am unaware of any
- Outreach to the public on community needs.
- I think VTA's infrastructure is more than adequate to meet the needs of the ADA community, but I think we need to communicate to the ADA community that we are equipped to serve their needs.
- Making it clear to employees what's expected of them regarding reasonable accommodation.
- Hire a Mobility Assistance Manager to coordinate mobility improvements proposed by staff, CTMA and the community.
- Providing more education and training for VTA staff
- I'm involved in Capital Projects and have deep familiarity with ADA requirements as they relate to projects. I'm not familiar with Operational issues for ADA. From a facilities perspective, our Admin HQ and I expect other facilities are seriously non-compliant with ADA (and I expect same at other yards). I'm somewhat surprised VTA has not faced complaints or lawsuits over these issues.
- VTA staff, providing more outreach and coordination with the public on community needs.
- More education and training for VTA Staff
- More outreach to these people's resources that they are already familiar with such as www.vistacenter.org or www.hopeservices.org
- provide more education and training to VTA staff
- The overall VTA culture should be more aware that some disabilities are invisible and that work policies should be more flexible.
- Improving access to public facilities
- More outreach and coordination with the public
- Current policies and procedures seem to be working...
- Provide us information as to what the ADA community needs are.
- Accommodate disable people in an emergency. If the person cannot run or walk faster than anyone else, can does someone in the department knows what he/she can do to assist a disabled person to a safe place.
- We have to be able to utilize the Access program better. Make it easier to ADA passengers to use
- Provide specific hearing and visual aids for our passengers
- I believe we need to improve on the Lighting during night/darkness.

- Our highest priority should be asking people who have disabilities what they need from VTA. We have many experts at VTA but that doesn't mean we understand the lived experiences and challenges of people who don't have the same body, senses, or mind as us. The only way we can find out and do better is to ask. Our second priority should be to take what we learn from asking, to make sure our ADA efforts are usable by the people who need them. I'd like to see accessibility that works in the real world rather than simply an ADA checkbox. Accessibility improvements benefit everyone so they should always be centered in our decision-making process.
- I am only aware of the VTA Outreach service that VTA provides. Not being informed about or having training on ADA, it is difficult to state what would be the highest priority for VTA to improve. Maybe a training or email blast would be helpful to let employees know resources that are available on VTA's internal/external website.
- All those listed above could use improvements.
- Website accessibility, station accessibility and safety
- Providing more resources about ADA on VTA's internal/external website and providing more education and training. The better informed on ADA requirements the staff is, the better we are able to serve the public in whatever form we work in.
- 1. Expand community outreach so VTA is more up to date with respect to current community needs and be able to respond accordingly and promptly. This will also provide as a platform for VTA to let the public know of VTA services that they can avail of and changes that the organization has made in response to community's needs. 2. Extensive education and training of VTA staff. 3. Provide more accessible facilities and easier ways for the public with disabilities to avail of the services such as hearing or visual aids when making paratransit reservations and technological assistance during events and public discussions on the matter.
- More training on ADA for VTA Staff.
- Communication - expand the amount of Outreach work, providing an opportunity to gain more input as to our transit modes in order to provide those with disabilities a stronger voice within our system.
- I think your list covers the highest priority issues for improving accessibility but safety for disabled riders could be improved as they are more vulnerable than other riders.
- All Accommodation should be made for persons with disabilities
- This whole organization needs sensitivity training. I'm noticing Some employees have a hard time caring about the public as a direct result of how they are treated by people in higher positions here.
- Providing more education for VTA staff. It is unclear what I should and should not be doing as it pertains to ADA.
- Providing more education and training for VTA staff will in turn improve programs they oversee to include better accommodations for persons with disabilities, so I would rate training staff in various divisions as a higher priority.
- I think VTA does an exemplary job in accommodating persons with disabilities at all levels (access to buildings, riding public transportation, and at public forums.)
- Provide training to VTA staff on ADA laws, so they can understand what kind of accommodations that persons with disabilities must be provided.
- ADA improvements to accessing public facilities, ADA improvements within the employee only locations, and training for VTA staff.
- More resources about ADA on VTA platforms. More involvement in the review of standard plan for developmental review to ensure ADA compliance is adhered. This would be to review any EPD or Land Use dept projects that maybe impacted by construction that might miss ADA compliance or inspections requirements during development or sign off.

- Providing more accommodations for persons with disability and training our staff on these accommodations.
- 1) Improvements to accessing public facilities - making sure elevators are working and provide a way for riders to know in advance, easily. 2) Providing more training for Operators, fare inspectors and those that deal with the ADA customers on their ADA rights and how to treat those customers with respect.
- Equal access to all facilities.
- I feel the highest priority should be improving accessibility of public facilities that serve our riders, like bus stops, rail stations, and transit centers.
- Providing specific hearing and visual aids for events and public meetings
- 1. Access to public facilities, 2. Access to all digital communications and materials, 3. A sole agency contact/program for ADA concerns.
- I think all of the items listed above are important, but I would perhaps emphasize those that help (1) enable our customers to travel as independently as possible and (2) improve the transparency of VTA's meetings and decision-making. I also think that more training of VTA staff would be beneficial, for instance a refresher on creating accessible PDFs, and focused training on accessibility of VTA web tools (see also my answer to Question 8).
- Mandatory training on what various ADA requirements should be complied with when transit facilities, vehicles and systems are engineered, constructed and which guidelines to be followed during maintenance? A separate ADA design criteria, policy and procedure that covers engineering design, construction and maintenance aspects of Transit infrastructure and system would help.
- Although this is not one of the highest priorities, I would like to suggest hiring of neurodiverse individuals in the workplace.
- Providing more resources about ADA on VTA's internal website, and providing more education and training for VTA staff,
- I think we do a pretty good job for customers. Not as much for employees.
- Providing more education and training for staff
- providing more outreach and coordination with the public on community needs
- Make it extremely clear to staff what the expectations are with regard to serving the public, who may include people with disabilities, and how to treat them with respect and in compliance with our policies, as well as applicable laws and regulations.
- I believe VTA is in compliance with ADA requirements in light rail and bus stops, including its facilities.
- Easier accessibility for ADA such as ADA friendly door openers. Only select doors currently have these.
- Improvements to accessing public facilities providing more education and training for VTA staff
- Everything mentioned about should continue to be the priority, especially since passengers with disabilities continue to be VTA customers that rely on our service. Training VTA employees on how to interact and serve our customers should be our on-going priority.
- Providing specific hearing and visual aids for events and public meetings. Providing more education and training for VTA staff. Also work with Access Para transit on the needs of their clients as understand that certain vehicles hurt some clients who "have" to ride in them as Access does not allow "choice of vehicle" most of the time.
- Access to clean public facilities; better RO campus wayfinding, especially to the main lobby; subtitles during all virtual meetings.
- Education, training, and outreach.
- I am not sure of any accessibility's that fall short
- Guidance for low vision users on how navigate round transit facilities and other VTA facilities.

- Quicker access in and out of VTA buildings and vehicles for those with mobility difficulties, ensure visual and audible stop callout works on all VTA vehicles.
- I have no opinion on this topic.
- Providing more education and training for VTA staff so that we can understand better the needs and requests for services
- Providing more education, this can be done with the use of flyers, weekly/monthly emails (greenest option) please do not mail notice of services.
- I cannot really say what the priorities should be. My husband is disabled, but not to the extent many others are. We do use the light rail, and when the escalators are not working and/or the elevators are disgusting, that is an issue.
- Currently I think the consultant's work was pretty comprehensive as far as facilities is concerned. I really have no input on other accessible issues.
- I believe VTA should continue working on making its transit facilities, such as bus stops and light rail stations, accessible, and it should work on making its documents accessible.
- Accessing public facilities
- Audio receptors for the blind. Automatic doors for wheelchair access.
- Not familiar enough with challenges to provide feedback.

RECOMMENDATIONS

None. Findings are compliant.

Recommendations are intended to sustain and enhance the VTA's comprehensive public input activities. As the VTA met and exceeded the requirements for soliciting input into the development of the plan, no additional activities are required. However, the VTA may wish to conduct periodic customer satisfaction surveys targeted for persons with disabilities or gather input from recipients of services as an ongoing activity. An additional emphasis may include outreach activities to collect and integrate input from persons with disabilities and organizations representing persons with disabilities on an ongoing basis.

Accommodations for Persons with Disabilities

A public entity must administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified persons with disabilities, *i.e.*, in a setting that enables persons with disabilities to interact with nondisabled persons to the fullest extent possible, and that persons with disabilities must be provided the option of declining to accept a particular accommodation (§ 35.130(d)(e)).

Statements of accommodation should be available on public notices, agendas, and other documents. A statement regarding reasonable accommodations or modifications that can be provided by the VTA generally affords persons with disabilities an opportunity to participate in meetings, events, and programs of the VTA. For example, a sign language interpreter or assistive listening device may be needed in order to participate.

Part 27, which is applicable only to agencies that receive Federal funding, states: "Reasonable accommodations. A recipient shall make reasonable accommodations in policies, practices, or procedures when such accommodations are necessary to avoid discrimination on the basis of disability unless the recipient can demonstrate that making the accommodations would fundamentally alter the nature of the service, program, or activity or result in an undue financial and administrative burden. For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term 'reasonable modifications' as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is

defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR Part 1630” (§ 27.7(e)).

Section 37.169(c) states three grounds on which a transportation provider may deny a requested modification, which apply to both advance requests and on-the-spot requests. Section 27.7(e) adds a fourth exception involving undue financial and administrative burden. The grounds are:

- Granting the request for a modification would fundamentally alter the provider’s services (e.g., a request for a dedicated vehicle in paratransit service, a request for a fixed route bus to deviate from its normal route to pick up someone) (§ 37.169(c)(1)).
- Granting the request for a modification would create a direct threat to the health or safety of others (e.g., a request that would require a driver to engage in a highly hazardous activity in order to assist a passenger, such as having to park a vehicle for a prolonged period of time in a no parking zone on a high-speed, high-volume highway that would expose the vehicle to a heightened probability of being involved in a crash) (§ 37.169(c)(2)).
- The requested modification would not be necessary to allow the passenger to fully use the entity’s services, programs, or activities for their intended purpose (e.g., the modification might make transportation more convenient for the passenger, who could nevertheless use the service successfully to get where he or she is going without the modification) (§ 37.169(c)(3)).
- For FTA recipients, a request may also be denied if it would create an undue financial or administrative burden (§ 27.7(e)).

Public entities that provide designated public transportation shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services, subject to the limitations of § 37.169(c)(1)–(3). In 2015, DOT amended its ADA regulations by issuing the final rule on Reasonable Modification of Policies and Practices.

FINDINGS

COMPLIANT

- ✓ On August 25, 2015, the VTA adopted a VTA Reasonable Modification Policy and Procedure (Document Number: OPS-LL-0060, Version Number 01) regarding transportation for Individuals with Disabilities. The policy is compliant. Portions of the text follow:

Purpose: Effective on July 13, 2015, the US Department of Transportation’s Americans with Disabilities Act final rule regarding Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices requires that transit providers make reasonable modifications to their operating rules and procedures to further ensure that services are accessible to persons with disabilities (see Federal Register/Vol. 80, No. 49 (80 FR 13253, March 13, 2015). The Federal Transit Administration’s Circular FTA C 4710.1 further explains the final rule at §2.10 & §2.11).

This policy incorporates VTA’s operating rules and regulations with the US Department of Transportation’s Americans with Disabilities Act reasonable modification final rule, thereby broadening access to VTA’s buses, light rail vehicles, and paratransit services to persons with disabilities.

Section 4.0 of the policy states that the VTA will make reasonable modifications/accommodations to its operating policies, practices and procedures to help ensure that transportation services are accessible to all passengers. Though transit agencies are not required to make modifications that are considered unreasonable, the final rule obligates them to work with customers to find reasonable alternatives. When a request for modifications/accommodations to operating policy, practice, or procedure is determined to be unreasonable, VTA will collaborate with the requesting customer, or designated representative(s), to find an alternative policy, practice, or procedural adjustment to allow the customer to use VTA transportation services.

Scope: VTA and its contractors shall be responsible for making modifications/accommodations to operating rules, policies, and procedures when necessary and appropriate to allow individuals with disabilities to use VTA bus, light rail, shuttle, or paratransit services.

If the customer appeals: The ADA/504 Coordinator will review the customer's appeal and will prepare a packet for an Appeals Review Committee (ARC) to consider. The appeal packet consists of the summary of the requested accommodation, the reason(s) why the requested accommodation was denied, the customer's appeal, relevant VTA rules, input from the involved Operator/Field Supervisors, and a copy of any data pack video of the reported incident. The ARC is comprehensive and is comprised of 3 members from the following departments: ADA/504 Coordinator, or designee, Subject Matter Expert (one staff who was not involved in the initial determination to deny the modification request) Customer Service.

The Policy lists accommodation requests that United States Department of Transportation (USDOT) has identified as being unreasonable. Transit operators are not required to provide these accommodations. The policy states that the list is not exclusive as there may be other scenarios, not foreseen, that cannot be accommodated. The following is a list of accommodation requests that USDOT has identified as being unreasonable. Transit operators are not required to provide these accommodations.

- Personal Care Attendant (PCA) assistance by an operator
- Assistance with luggage and packages
- Fare payment by operators, or non-payment
- Operator care for service animals
- Hand-carrying passengers
- Specification of vehicles or special equipment in a vehicle
- Exclusive or reduced capacity paratransit (single passenger) trip
- ADA Paratransit trips beyond the defined service area or operating hours A stop and wait at an intermediate location during an ADA paratransit trip
- A request that creates a hazard for a vehicle, the operator, or other passengers
- A request for a specific driver
- A request to avoid other passengers on an ADA paratransit trip

- ✓ Notices and agendas for public meetings and committees contained an accommodations statement. In addition, the accommodations statement was consistent and included the required information.

- ✓ The “Work for VTA” section of the website includes a statement for reasonable accommodations and states:

Equal Employment Opportunities: VTA makes reasonable accommodations for people with disabilities to ensure the accessibility of VTA’s employment recruitment, application and selection process. Upon request, accommodations are provided to people who need assistance in obtaining position availability information, completion of employment applications, position testing and interviewing processes.

- ✓ VTA job applications contain a reasonable accommodations statement and process.
Americans with Disabilities Act Accommodations: The Human Resources Department will make reasonable efforts in the recruitment/examination process to accommodate applicants with disabilities.

- ✓ Information is provided by the VTA regarding how bus operators will assist passengers with disabilities and seniors and includes:

- Boarding or exiting buses
- Using the wheelchair lift or ramp and deploying it on request. Anyone may request the use of the lift or ramp.
- Kneeling the bus on request if the bus is equipped to kneel
- Securing their mobility devices as necessary or upon request

- ✓ The “Accessibility Page” of the VTA website states that the VTA accommodates passengers with disabilities using bus and light rail services by making reasonable modifications to operating policies, practices and procedures upon request in accordance with the United States Department of Transportation’s Final Rule to 49 CFR Parts 27 and 37. The Accessibility Page states that reasonable accommodations may include:


- Helping passengers insert money into fare boxes
- Allowing passengers to eat, drink or take medicine aboard a transit vehicle to avoid a medical problem
- Permitting passengers to board separately from their mobility devices when the passenger can control the movement of the device

- ✓ Contact information and links are provided to request an accommodation and riders are asked to contact VTA Customer Service:

(408) 321-2300
(408) 321-2330 TTY
(800) 894-9908 (outside Santa Clara County)
customer.service@vta.org
[VTA Reasonable Accommodation Policy/Procedure](#)

- ✓ VTA meeting agendas contain an accommodations statement to provide assistance for persons with disabilities to participate. An example is shown below from a Board of Directors Meeting Workshop Meeting:

In accordance with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1964, VTA will make reasonable arrangements to ensure meaningful access to its meetings for persons who have disabilities and for persons with limited English proficiency who need translation and interpretation services. Individuals

requiring ADA accommodations should notify the Board Secretary’s Office at least 48-hours prior to the meeting. Individuals requiring language assistance should notify the Board Secretary’s Office at least 72-hours prior to the meeting. The Board Secretary may be contacted at (408) 321-5680 or *e-mail: board.secretary@vta.org or (408) 321-2330 (TTY only). VTA’s home page is on the web at: www.vta.org or visit us on  Facebook at: www.facebook.com/scvta. (408) 321-2300: 中文 / Español / 日本語 / 한국어 / tiếng Việt / Tagalog.

- ✓ 70.95% of staff survey respondents stated that they had not received training regarding persons with disabilities.

Have you received training on providing services or assistance for persons with disabilities?

#	Answer	%	Count
1	Yes	29.05%	52
2	No	70.95%	127
	Total	100%	179

RECOMMENDATIONS

None. No additional action is required as findings document compliance. Recommendations are added to enhance or maintain compliance.

- It is recommended that a standardized “statement of accommodation” be included on postings (hard copy and on the website) of agendas, meetings, events, programs, and activities for public facing documents. The statement should contain language that includes a minimum timeframe to request an accommodation prior to the VTA activity or event and include the contact person, address or location, phone number and email address.
- Information regarding the purpose and requirement for an accommodations statement and training should be developed and disseminated to all VTA departments.
- Alternate methods for requesting an accommodation should be added to all statements of accommodation and should include phoning in the request, postal mail, email, or dropping off the request for accommodation at VTA sites.
- Contact information including a TDD/TTY or California Relay number for requesting an accommodation should be included on all statements of accommodations.

Input from VTA Staff Regarding Accessibility Policies

VTA staff survey respondents were asked about policies regarding compliance with the ADA. The following is a tally of VTA staff comments. Comprehensive input was collected from 1,120 staff survey respondents. Most areas will be addressed in a specific section of this report to provide more detail, findings and recommendations. For example, a separate section regarding service animals is included in this report. It is important to note that some of the percentages may be low due to some staff not having knowledge of each area due to specific job responsibilities.

VTA has a policy regarding the ADA for (check all that you are aware of):

#	Answer	%	Count
1	Service animals	9.38%	105
2	Other power-driven mobility devices	6.96%	78
3	Ticketing and seating	10.09%	113
4	Oversight of construction and remodeling to ensure compliance with federal, state and county accessibility requirements	6.70%	75
5	Website accessibility	8.21%	92
6	Accessible formats	6.61%	74
7	Effective communication	4.20%	47
8	Auxiliary aids and services	4.46%	50
9	Sign language interpreters	3.39%	38
10	Staff training	2.95%	33
11	Requests for accommodations or modification	8.39%	94
12	Planning and budgeting for accessibility compliance	3.93%	44
13	Public outreach	8.04%	90
14	Emergency evacuation procedures	5.80%	65
15	Maintenance of accessible features	5.89%	66
16	Contract language to include accessibility provisions	5.00%	56
	Total	100%	1120

Access to Programs, Services, Activities and Events

A public entity may not adopt official policies that are discriminatory or engage in practices that are discriminatory. This prohibition applies to policies that are explicitly exclusionary and to those which appear to be neutral but have a discriminatory effect (28 CFR §35.130(b)(3)). Title II of the ADA requires public entities to ensure that all public meetings and events sponsored are readily accessible to persons with disabilities and provide opportunities for participation.

Policies and procedures need to ensure that persons with disabilities are provided equal opportunity to access programs, services, and activities of the VTA. Part 35.149 specifically requires nondiscriminatory practices in order to have program accessibility. The ADA/504 does not specifically state how a public agency provides accessibility to bus, light rail, and ADA complementary paratransit.

Under the ADA, the VTA is required to “make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability.” The VTA is required to do so unless it can demonstrate “that making the modifications would fundamentally alter the nature of the service, program, or activity” [28 CFR § 35.130 (7)]. Public entities are subject to all applicable state and federal laws that govern accessibility for persons with disabilities. These laws include the Americans with Disabilities Act, the federal Section 504 of the Rehabilitation Act of 1973, and state constitutional provisions.

Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by persons with disabilities, 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.

In accordance with § 37.61(a), “A public entity shall operate a designated public transportation program or activity conducted in an existing facility so that, when viewed in its entirety, the program or activity is readily accessible to and usable by individuals with disabilities”. This provision is

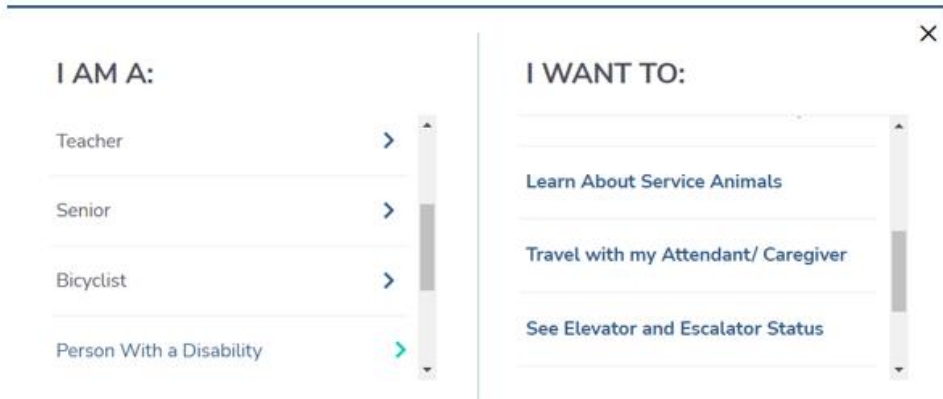
intended to cover activities and programs of an entity that do not rise to the level of alteration. Even if an entity is not making alterations to a facility, it has a responsibility to conduct its program in an accessible manner.”

FINDINGS

COMPLIANT

Findings demonstrate compliance with policies. Some of the ADA related accessibility policies should be developed, expanded and enhanced. The VTA provides many methods and activities for persons with disabilities to access programs and services.

- ✓ No discriminatory practices were found regarding access to programs, services, and activities.
- ✓ The VTA has a Committee for Transportation Mobility and Accessibility that provides guidance to the Board of Directors on VTA transit and transportation accessibility matters to help ensure complete access to all users in Santa Clara County, doing so by facilitating dialogue with, representing and advocating the needs of the disabled and senior communities.
- ✓ The VTA provides paratransit, an exterior door-to-exterior door service, to persons who are unable to independently use local bus or light rail services some or all of the time due to physical, visual or cognitive disabilities.
- ✓ The VTA provides increased access to programs and services by providing information on how a user can get help securing mobility devices on a bus. Information on the VTA website states that “Mobility devices must be secured every time when used upon a VTA bus. VTA also recommends, but does not require, the use of lap belts and shoulder harnesses. A brochure regarding securement is provided.
- ✓ The “I want to” search tool provides an option to search different disability related topics.



- ✓ VTA’s ADA complimentary paratransit is available during the same service hours and areas as local bus and light rail service.
- ✓ VTA Policy adopted in 2006 for Passenger Facilities: Bus Stop Placement, Closures and Relocations (Document Number: OPS-PL-0003 Version Number 01) Section 4.1 provides for compliance with the ADA.
- ✓ Fares are available for persons with disabilities.

- ✓ The VTA website provides information to increase access regarding services for persons with disabilities.

VTA COVID-19 Information Center
vta.org/covid-19
VTA recommends, but no longer requires, masks on board.

GO PROJECTS ABOUT BART SILICON VALLEY

Real Time Routes

Service Alerts Maps Trip Planner

Fares & Payment Stations & Parking Accessibility

Adult (19-64) Adult Express **Senior (65+) & Disabled** Youth (5-18)

Fare Type	Cost	Available for purchase using:	
		Cash	Clipper
Single Ride	\$1	✓	✓*
8-Hour Light Rail Pass	\$2	✓	✗
Day Pass	\$3	✗	✓*
Monthly Pass	\$30	✗	✓
Annual Pass	\$330	✗	✗

*2 Hours of FREE Transfers when you purchase a single-ride fare using Clipper.

*available through the Clipper Day Pass Accumulator feature.

*available through subscription only.

- ✓ Bus and light rail services have accessible features for persons with disabilities. For example, the May 2016 VTA Transit Passenger Environment Plan (<https://www.vta.org/projects/transit-passenger-environment-plan>) shows a rider with a disability boarding a bus. The VTA Transit Passenger Environment Plan includes standards for accessibility. Accessible bus stop layouts are provided to comply with federal and state accessibility standards. Universal design is utilized to exceed minimum federal and state accessibility standards. Examples of accessibility include clear floor space for wheelchairs, a clear path of travel from the shelter to the 5 foot by 8 foot boarding area and an accessible pedestrian path of travel. Bus stops are connected to the sidewalk and have a running slope of 1:20 or less and a cross slope no steeper than 1:48 or 2%.



✓ The "Accessibility" page of website lists Accessible Facilities:

Accessible Facilities

- VTA's transit centers, shelters, and most bus stops are fully accessible.
- Guidance Surface Tiles
- Light Rail Stations have Detectable Warning Surface Tiles on their platforms to warn passengers where the platform edges are.
- Between Car Barriers pylons on the platform edges alert passengers to the spaces between Light Rail cars when they arrive at the stations.
- Directional guidance surface tiles are installed on the pedestrian's paths at the following transit centers to guide passengers with visual disabilities to bus stops, shuttle stops, rail station platforms and crosswalks. The tiles are also used to guide passengers out of a transit center to a crosswalk which will lead them to a major activity center, such as a shopping mall or a college campus.
- Ohlone-Chynoweth Station
- Palo Alto Caltrain Station
- Penitencia Creek Transit Center
- West Valley Transit Center
- Winchester Transit Center
- Alum Rock Transit Center
- Gilroy Caltrain Station
- Great Mall Transit Center
- Mountain View Station
- Directional tiles are used in conjunction with decision tiles and crosswalk guidance tiles. Decision tiles alert passengers with visual disabilities who use white canes that there is a choice that can be made in the direction they are walking to access a bus stop or a crosswalk.
- Crosswalk guidance tiles, installed in the center of pedestrian crosswalks, guide pedestrians with visual disabilities using white canes across crosswalks at transit centers and provide them with an indication that they are within a vehicular area. These tiles are thicker than directional tiles to withstand the weight of transit vehicles. Crosswalk guidance tiles are installed across the entire crosswalk and terminate at the bottom of the curb ramp.
- Information at VTA is accessible, including VTA's website.
- Most bus stops and at all transit centers, bus stop poles are marked with raised letters and Braille that reads "BUS". VTA buses audibly announce the line number and destination when the doors open at bus stops.
- Inside VTA buses, digital message boards and announcements inform customers of cross-street locations and significant bus stops along the route. Contact Customer Service to request other forms of information made accessible by large print, Braille, and audio tape.
- Any information or documents that VTA makes available to the public must also be available in accessible formats. Information about bus and light rail services such as schedules and destinations are available by contacting Customer Service.
- Accessible documents are available upon request in various formats such as Braille, computer diskette, cassette tape or via email by contacting us at:
 - VTA Board Secretary's Office
 - 3331 North First Street, Building B
 - San Jose, CA 95134-1906
 - Telephone: (408) 321-5680
 - Email: board.secretary@vta.org

RECOMMENDATIONS

None. Recommendations are provided to enhance access to programs, services and activities include, but are not limited to:

- Public entities that adopt website postings as an alternative method of notice must ensure that the website is readily accessible to people with disabilities, including persons who use screen readers.
- Applications should be available in other methods and not only online.
- All open meetings of public entities must be accessible to persons with disabilities. Meeting locations must be accessible without the need for special assistance.
- Sign language interpreters for deaf or hearing-impaired persons must be provided, subject to reasonable advance notice.
- The VTA should continue to disseminate information in a variety of locations and methodologies with accessible formats to enhance access to programs, services, and activities.
- The ADA/504 Coordinator should continue to monitor and receive information regarding concerns or issues about access to programs, services and activities and take the appropriate action regarding any potential discriminatory practices for persons with disabilities.
- Social media platforms should be reviewed on a regular basis to make sure that they are accessible for persons with disabilities.
- The ADA/504 Coordinator should continue to monitor programmatic access and the removal of structural barriers in the transition plan.
- Additional and ongoing training should be provided regarding the requirements of the Americans with Disabilities Act and accommodations that provide equal access to programs, services, and activities.
- Meetings and events open to the public should be held in buildings that meet accessibility requirements, or in the accessible portion of the building with accessible elements that serve the area where the meeting or event is held. For example, parking, restrooms and drinking fountains that serve the area where the meeting and event is held should also be accessible.
- Information regarding a facility should include information regarding accessible features and elements of the site. For example, accessible parking, accessible restrooms and other items and elements should be indicated on documents and on the website. Indicating accessible paths of travel and accessible entrances also provides valuable information for persons with disabilities. A contact number and email address should be provided for additional assistance.
- Information about how to request an accommodation should appear on public-facing notices, announcements, flyers, publications and agendas. Information should be disseminated to all departments and divisions regarding the statement for accommodations requirement.

- The VTA should provide training for staff and volunteers regarding accommodations for persons with disabilities. All staff, and in particular frontline staff such as receptionists and staff with high public contact, should receive training on interacting and accommodating persons with disabilities.
- The VTA's ADA/504 Coordinator should assist departments with planning and budgeting for selected accommodations, such as large print, Braille materials and other accessible formats.
- A centralized method for producing alternate formats, such as Braille, may provide cost savings and reduce the timelines to produce alternate formats.

Equally Effective Communication

Public entities must ensure that applicants, participants, and members of the public with disabilities have communication that is equally effective as that provided to persons without disabilities in accordance with 35.160. The ADA requires that a public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

A public entity is required to furnish appropriate auxiliary aids and services where necessary to afford qualified persons with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. When determining what types of auxiliary aids and services are necessary, a public entity is required to give primary consideration to the requests of persons with disabilities. Auxiliary aids and services should be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

Effective communication methods may include:

- Auxiliary aids and services
- Qualified sign language interpreter services
- Video remote interpreting (VRI)
- Telecommunications services for the deaf and hard of hearing (TTY/TDD)
- Assistive listening systems
- Alternative formats
 - Recordings
 - Videos
- Accessible fonts and documents
 - Braille
 - Large print

All public transportation customers need access to adequate information to use a particular service. This requirement obligates transit agencies to ensure that individuals with disabilities also have access to adequate information, including schedules, routes, fares, service rules, and temporary changes. Parts 37, 38, and 39 each contain additional requirements related to information.

"All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request" (§ 37.125(b)). In addition to the general requirement in § 37.167(f) for transit agencies to provide service information in accessible formats the DOT ADA regulations in § 37.125(b) specifically require ADA paratransit materials to be in accessible formats.

The accessible format requirement covers brochures or public information describing ADA paratransit eligibility and the application process, the application form, letters of determination, and information on the appeal process, as well as other information and materials.

FINDINGS

COMPLIANT

- ✓ VTA policies to ensure that documents are accessible are compliant. The VTA requires that all documents, written and electronic, be in formats accessible to individuals with disabilities.
- ✓ According to the VTA website regarding accessible information, the website states that "information at VTA is accessible, including VTA's website." The information on the website continues to state that "Most bus stops and at all transit centers, bus stop poles are marked with raised letters and Braille that read "BUS". VTA buses audibly announce the line number and destination when the doors open at bus stops. Inside VTA buses, digital message boards and announcements inform customers of cross-street locations and significant bus stops along the route. Contact Customer Service to request other forms of information made accessible by large print, Braille, and audio tape. Any information or documents that VTA makes available to the public must also be available in accessible formats. Accessible documents are available upon request in various formats such as Braille, computer diskette, cassette tape or via email by contacting us."
- ✓ The VTA's Notice Under the Americans with Disabilities Act states that the VTA complies with requirements for effective communication and states that the VTA 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 Valley Transportation Authority's programs, services and activities.
- ✓ The VTA's notice further states that it "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 VTA offices, 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 VTA, should contact the office of the program, service or activity coordinator as soon as possible but no later than 48 hours before the scheduled event. Numerous examples of applications and forms found on the VTA's website were available as fillable PDF documents that may be completed electronically or printed and completed by hand. Many forms are also available in online formats that are submitted electronically by clicking a "submit" command button located on the page. Members of the public may view and participate in public meetings in person or by Zoom teleconference during the live meeting. Past meetings are able to be viewed in an online video viewer or by requesting a DVD copy of a public meeting as an option in the public records request form. The spec sheet "Standard Accessibility Details and Notes for

Handicapped Restrooms” found on the VTA’s website includes Braille requirements on signage.

Survey Results from VTA Staff

Although 4.2% of VTA staff were aware of a policy for effective communication, survey responses may be low due to some staff not being aware of effective communication procedures or handouts due to their specific job responsibilities.

RECOMMENDATIONS

None. Findings demonstrate compliance. As such, recommendations are not required but may enhance compliance.

- The VTA should consider training for staff for users of the assistive technology.
- The VTA should provide staff with information regarding assistive technology that is available.
- Persons with disabilities may not participate in or participate as frequently in VTA sponsored programs, services, or activities if they do not understand what is being communicated. Information on the availability of auxiliary aids and services should be included in departmental policies, procedures, and guidelines.
- When equipment is used, as part of a public entity's program, activity, or service, an assessment should be completed to safeguard that the equipment is usable by persons with disabilities, particularly persons with hearing, visual, and manual impairments. In addition, a public entity should have policies in place to ensure that its equipment is well maintained and in operable working order.
- Training should be provided so that staff are aware of and understand how to arrange for auxiliary aids and services, such as sign language interpreters, material in Braille and assistive listening systems; to support effective communication with persons with disabilities.
- Notices for public input should include information on the availability of interpreter services and other services.
- Sign language interpreters should be provided as determined through the request for accommodation process for qualified persons with disabilities or in circumstances where a sign language interpreter is known to be required.
- Interpreters should be provided as determined through a request for accommodation process or in circumstances where an interpreter is known to be required.
- The VTA must ensure that those persons utilizing a language other than English and are deaf, are also provided interpreter services that specialize in signing for that language.
- The VTA may consider the use of a video relay interpreter system to augment contracts and arrangements for interpreters.
- When a public entity uses an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time

communication with persons using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay systems, including Internet-based relay systems.

- Employees who communicate with the public should become familiar with the use of TDD/TTY communications or relay communications. Assistive Listening Systems for the Deaf and Hard of Hearing or the relay system.
- Assistive listening systems are required in assembly spaces where audible communication is integral to the use of the space. Signs are to be provided informing patrons of the availability of the assistive listening systems.
- The VTA should post the number of the California Relay when other methods are not available.
- Information regarding assistive listening systems should be readily available.
- Signs should be posted in prominent places at or near the assembly area entrance stating "Assistive-Listening System Available" and include the International Symbol of Access for Hearing Loss.
- The VTA should provide notice regarding the method and availability for alternate formats.
- The VTA should provide staff training regarding the requirements for accessible alternate formats, what accessible alternate formats are and how to provide accessible alternate formats. Procedures should be put in place for the development of accessible alternate formats to constituents.
- The VTA should produce accessible alternate formats for high use areas, such as libraries, where the probability for a request for an alternate format is high. Examples include provision of audiocassettes, CDs, large print, information sent via email, screen readers, Braille, and pictograms.
- Online public notices and publications should have a statement of accommodations which includes who to contact for an accommodation.
- A TTY/TDD and/or Relay number should also be included on VTA notices which allow for public input.
- The VTA should consider providing information on its website and publications regarding the VTA's branding policy, if available. The VTA might consider adding information to the VTA's branding policy regarding accessible fonts and documents.
- The possibility of a central VTA department or method to provide Braille and other accessible documents should be assessed to assist with providing accessible alternate formats.
- The VTA should have an existing contract with one or more firms or organizations to provide accessible documents, such as Braille, in a timely manner.

Website Accessibility

Websites are required to meet accessibility standards and comply with Web Content Accessibility Guidelines (WCAG 2.0) standards for compliance. Websites for Title II of the ADA public entities

such as the VTA currently required to comply with WCAG 2.0 Level AA. The World Wide Web Consortium (W3C) sets the main international standards for the World Wide Web and its accessibility. There are three levels of WCAG 2.0 website accessibility recognized by the World Wide Web Consortium (W3C):

1. Level A is the minimum level of conformance with the fewest requirements. A couple of examples of Level A requirements are that all non-text components such as images include an alternative text component and that captions are provided for all prerecorded audio content.
2. Level AA compliance must satisfy all the Level A requirements and additional criteria such as providing captions for all live broadcast audio content.
3. Level AAA satisfies all Level A and Level AA criteria as well as additional requirements such as providing sign language interpretation for all prerecorded audio content.

An updated version of the guidelines (WCAG 2.1) was published on June 5th, 2018. The updates are mainly related to mobile devices, disabilities that affect vision and cognitive function, criteria addressing text spacing, and criteria addressing timeouts and animations from interactions. While public entities are encouraged to begin applying compliance with WCAG 2.1 success criteria into their website design, it is not yet the required standard.

While Section 508 *directly* applies to federal organizations, its impact is much farther reaching. Section 508 is extended to any company that conducts business with a federal agency, including private contractors, the financial industry, healthcare, many legal organizations, and others, and may also be extended to universities (including private universities) that receive funding through grants.

As transit agency websites are a primary source of information for riders, an accessible website is one of the best ways to ensure the adequate information required under § 37.167(f) is available to all riders. Website accessibility also reduces the need for an agency to provide alternate formats on a case-by-case basis. While the DOT ADA regulations do not set standards for website accessibility, FTA suggests that agencies review DOJ guidance which also notes general related obligations under the Rehabilitation Act of 1973 (Section 504).

Persons with disabilities use the internet to access information about the VTA. Persons who are blind and persons with low vision may employ screen access software that reads the code of a website and then renders it in whatever format is accessible to that person (speech, refreshable braille, etc.). Deaf users rely on captioning of aural (sound or spoken) content. Users with limited manual dexterity or motion use dictation software to give commands instead of mouse and keyboard control.

FINDINGS

NOT COMPLIANT


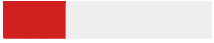

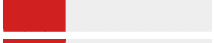
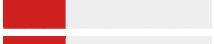
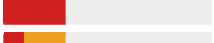
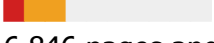
- ✓ As of 2021, the VTA contracted with a vendor to redesign the website. The contract with the vendor stated that the website redesign must meet the following requirements, "Fully accessible per Web Content Accessibility Guidelines ("WCAG") 2.0 level AA compliance and Section 508 standards."
- ✓ Noncompliant findings were demonstrated based on the accessibility website review. A full version of the accessibility website review is contained in a supplementary document available from the ADA/504 Coordinator.
- ✓ Two (2) accessibility website reviews were conducted by DAC using third-party website accessibility testing software.

- ✓ The website for the VTA was reviewed for compliance with WCAG 2.0 Level AA standards.
- ✓ An additional accessibility website review was conducted on September 3, 2020 by DAC for the Santa Clara Valley Transportation Authority. The review was performed using the SortSite Website Accessibility Testing Software to evaluate a website’s HTML content by testing against published website accessibility guidelines. The Santa Clara Valley Transportation Authority’s home page, major web pages, links and sub-links were reviewed for accessibility for persons with disabilities. Links that direct users to external sites and web pages were not evaluated.
- ✓ The review of the VTA’s website was performed to evaluate the website’s HTML content by testing against published website accessibility guidelines. The Valley Transportation Authority’s home page, major web pages, links and sub-links were reviewed for accessibility for persons with disabilities. Links that direct users to external sites and web pages were not evaluated.

SortSite Issue Report

Site quality report for <https://www.vta.org/> tested with WCAG AA 2.0 Guidelines.

Category Results

Overall Quality		3,670 pages with quality issues
Errors		2,117 pages with broken links or other errors
Accessibility		3,575 pages with accessibility problems
Compatibility		2,051 pages with browser specific issues
Search		1,998 pages with search engine issues
Standards		2,007 pages have W3C standards issues
Usability		2,031 pages with usability issues
Totals		6,846 pages and images checked

Red represents priority 1 issues; orange represents other issues.

- ✓ A prevalent error found during the review was numerous instances of broken links. Broken links frequently occur when the page, document or file has been moved or removed from the site, or possibly renamed, which prevents the link from taking the user to the correct target. A website user would receive an error message when clicking the link.
- ✓ The accessibility review also returned several findings for images where the alternative text is a file name and not actually a description of the image. This would result in meaningless or confusing image descriptions when read aloud by a screen reader. PDF documents missing accessible features, such as missing tags that are needed for use by screen readers, were also found throughout the website.
- ✓ There was no statement of website accessibility found on the VTA’s website, but the VTA ADA Accessibility Page states that websites will be accessible for persons with disabilities.

Survey Results from VTA Staff

8.21% of VTA staff were aware of a policy for website accessibility. The percentage may be low due to specific staff job responsibilities. However, it is beneficial for staff to have a general understanding of the requirement to have an accessible website for persons with disabilities.

RECOMMENDATIONS

- Correct accessibility errors on the VTA's website and regularly review the website for compliance, especially in situations where VTA staff may be adding information to the VTA's website.
- Develop procedures to maintain the accessibility of the VTA's website and provide training to staff.
- If the accessibility and maintenance of the VTA's website is contracted to an outside vendor, contractual language should be included regarding the website accessibility requirements and that the responsibility for the development of and maintenance of an accessible website.

Social Media

Website accessibility also extends to social media platforms that are used by a Title II entity to deliver information and notices to the public. Content and information created and shared via social media by a Title II entity is required to comply with WCAG 2.0 Level AA requirements.

Level AA requirements include all minimum standards of Level A as well. Although the information shared by the VTA may be designed by the VTA to be accessible, the VTA may not be able to assure that it is accessible when placed in a third-party social media platform.

FINDINGS

VTA is responsible for ensuring that all of its communications are accessible to persons with disabilities, including social media. The VTA is responsible for social media content, but the technology of social media is dependent upon third-party vendors. The VTA should state in their policy that the social media platforms may not be compliant for persons with disabilities and that users are leaving the VTA website.

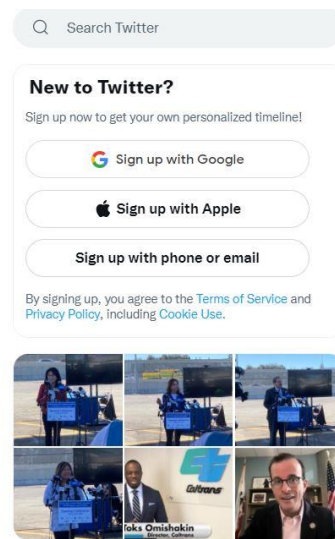
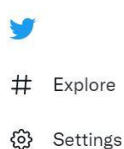
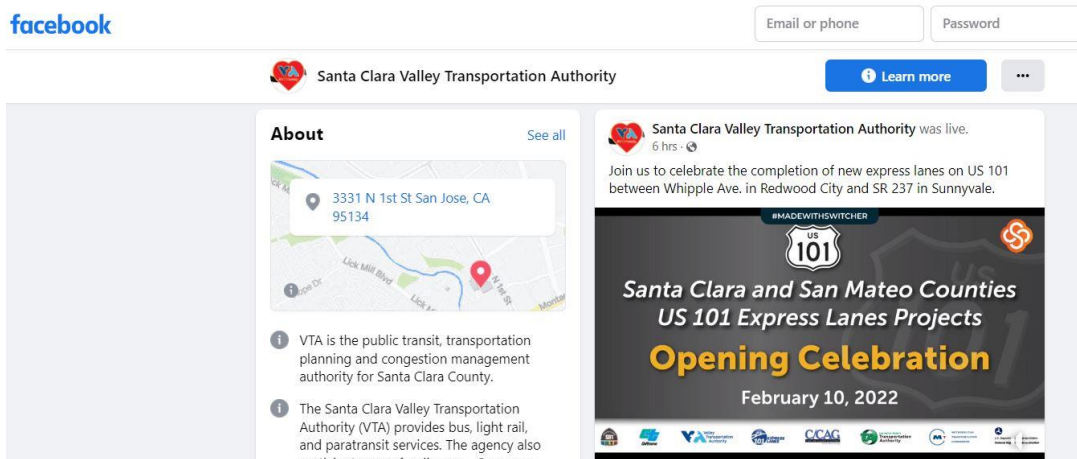
- ✓ The VTA uses social media as a form of communication. The accessibility of social media is dependent upon the third-party vendor that provides the service. The VTA's social media accounts include Facebook, Twitter and Instagram.

RECOMMENDATIONS

- Provide the information through more than one platform.
- Avoid using acronyms and abbreviations that would not be understandable if read by a screen reader.
- Post or upload a captioned video instead of relying on automatic captioning tools that may be inaccurate.
- Before linking to content that was created by a third party, test the content for accessibility, such as videos that start automatically, missing alternative text for photos and available captioning. If the content is not fully accessible, but the entity choosing to link the content

regardless, a disclaimer should be added that explains the limitations for the linked content to the user.

- Review third-party social media terms, conditions and limitations for accessibility compliance when determining whether to use the platform.



Acceptable Terminology

Terminology should be in “person first language” such as person with a disability or individual with a disability instead of “disabled person” or the term “handicapped.” Other negative terms such as retarded, confined to a wheelchair, crippled and handicapped should not be used.

As part of 28 CFR §35.130, no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination by any public entity. The use of outdated language, such as handicapped, retarded, crippled and other negative terms may be considered discriminatory.

One of the 1992 amendments to Section 504 of the Rehabilitation act as per 28 CFR part 42, was to correct terminology, such as the use of the word “handicapped”. The amendment updated and changed the word “handicapped” and similar variations of that word to language referencing

"individuals with disabilities," modifying the order of the regulatory provisions to group like provisions together and adding some headings to make the regulation more user-friendly.

As the requirements of Section 504 are applicable to the VTA, acceptable terminology is needed to avoid potential discrimination.

FINDINGS

COMPLIANT

- ✓ Based on a representative sample, terminology used was acceptable and compliant.

RECOMMENDATIONS

None.

- Although terminology used was compliant, the VTA plans to review terminology used to maintain compliance.
- VTA publications should be reviewed to see if the word "handicapped" or other negative terminology is used. The words "individuals with disabilities" or "persons with disabilities" should replace "handicapped." The term "disabled person" should also be avoided. Information regarding acceptable terminology in "people first language" should also be provided to VTA staff. Publications should be updated as they are reprinted. It is understood that the VTA does not have control over documents that are generated from other jurisdictions.
- It is recommended that the ADA/504 Coordinator disseminate information or provide training regarding acceptable terminology to be utilized by departments and staff.
- Branding policies or policies regarding document development and publications should include alternate language recommendations that do not use the term "handicapped."
- Branding policies or policies regarding document development and publications should include alternate language recommendations that do not use the term "handicapped" or other terms that are considered to be negative. Examples may include terminology such as wheelchair bound, afflicted, retarded.

Training

Ongoing compliance with the ADA/504 can only be achieved if VTA staff and officials receive ongoing and updated training about the rights of persons with disabilities and the obligations of public employees under the ADA/504. Although training is not required by the ADA/504, training regarding the requirements of the ADA/504 is recommended. Staff that understand the requirements of the ADA and how to assist persons with disabilities are empowered to provide services to all stakeholders in a nondiscriminatory manner.

A simple and easy to achieve compliance method is understanding and using appropriate terminology that provides information in a positive and nondiscriminatory manner. For example, the use of the term "handicapped" is not acceptable and the term "persons with disabilities" should be used instead. Another example of appropriate terminology is using the description of "person using a wheelchair" and not using the term "wheelchair bound."

Although the focus of the ADA/504 self-evaluation was not on employment, it is important to review employment practices to ensure that they comply with other applicable nondiscrimination

requirements, including 504 and the ADA regulation issued by the Equal Employment Opportunity Commission. It is unlawful to discriminate against a qualified applicant based on disability in any aspect of employment including applications, interviewing, testing, hiring, evaluating, compensation, benefits, promotion, discipline, and termination.

In addition to the initial job training, FTA recommends that agencies provide regular refresher training for all appropriate employees to ensure the requirements of § 37.173 are being met. Such training typically focuses on any recently raised issues from riders or employees, along with any new agency policies and procedures. Drivers and maintenance staff, in particular, benefit from refresher training after an agency procures new vehicles with different accessibility features (e.g., a switch from lift-equipped to low-floor, ramp-equipped buses). Effective refresher-training programs are not presented as punitive (i.e., solely in response to poor performance) but help to reinforce the agency's mission of serving the travel needs of all riders. When an agency's monitoring of service reveals specific issues, an optional good practice is to provide targeted refresher training to address such issues.

As per § 37.173 "One of the best sources of information on how best to train personnel to interact appropriately with individuals with disabilities is the disability community itself." FTA encourages transit agencies to collaborate with local disability organizations for assistance with employee training. Involving individuals with disabilities in agency training programs helps to demonstrate appropriate types of assistance and provides a forum for discussion of what does and does not work in practice.

The DOT ADA regulations do not specify how often personnel must receive training.

§ 37.173 states that while there is no specific requirement for recurrent or refresher training, there is an obligation to ensure that, at any given time, employees are trained to be proficient. An employee who has forgotten what he was told in past training sessions, so that he or she does not know what needs to be done to serve individuals with disabilities, does not meet the standard of being trained to proficiency.

In addition to the initial job training, FTA recommends that agencies provide regular refresher training for all appropriate employees to ensure the requirements of § 37.173 are being met.

FINDINGS

EXCEEDS COMPLIANCE/BEST PRACTICE

Findings are compliant but may be enhanced and procedures established for ongoing training.

- ✓ Some staff survey respondents indicated that additional training would be beneficial.
- ✓ The VTA has provided a significant amount of ongoing accessibility training for staff.
- ✓ According to VTA staff, the VTA provides staff with accessibility training classes, in accordance with VTA Policy Accessible Information and Communications 350.007. Training sessions are offered twice per quarter (2.5 hours each training), with a newly designed advanced class for more complex documents (including tables, graphs, etc.) Employees learn how to communicate with individuals with disabilities as equally as effective as the agency is communicating with individuals without disabilities. Through a consultant, VTA staff are trained on how to create accessible Microsoft Office Word documents, PowerPoint presentations, as well as accessible PDF documents, that comply with the Web Content Accessibility Guidelines (WCAG) 2.1. VTA is committed to ensuring that communications to its employees and members of the public are effective and that information is provided in formats that are accessible to individuals with disabilities, as mandated by the American with

Disabilities Act of 1990 (ADA); 28 Code of Federal Regulations (CFR) Parts 35 and 36; 49 Code of Federal Regulations Part 37; Section 504 of the Rehabilitation Act of 1973, as amended; and California's Unruh Civil Rights Act.

- ✓ The VTA has a consistent policy and procedure to provide training on an ongoing basis for employees throughout departments. For example, the policy for reasonable accommodations states that "Under the direction of VTA's Employee Training and Development Department, management will be responsible for training their respective staff on how to respond to customer requests for reasonable modifications/accommodations. Training will be provided to staff initially and on an ongoing basis."
- ✓ The VTA provides interdepartmental training opportunities and collaboration. An example includes an excerpt from Section 5 of the reasonable accommodations training that demonstrates initial and ongoing training throughout departments.
 - Coach and Light Rail Operators will be trained during initial training and during their respective technical training refresher classes.
 - Field Supervisors, Superintendents, and Radio Dispatchers will receive initial training on the reasonable modifications/accommodation regulations. Periodic, as needed, refresher training will be provided by Operations staff.
 - Fare Inspectors and Transit Patrol Deputies will receive initial training on the reasonable modifications/accommodation regulations. Periodic, as needed, refresher training will be provided by Operations staff as designated by Protective Services management.
 - Customer Service staff will receive initial training on the reasonable modifications/accommodation regulations. Periodic, as needed, refresher training will be provided by Customer Service management.
 - The ADA/504 Coordinator will work with Customer Service management and designated Operations staff to ensure that the members of the Appeal Review Committee are apprised of information regarding reasonable modifications/accommodation complaint processing and appeal review.
 - Section 6 of the reasonable accommodations policy further defines which accommodations are reasonable and which ones are unreasonable.

Reasonable Modification/Accommodation: A change to an operating policy, practice, or procedure in order to enable persons with disabilities to use public transportation.

Unreasonable Modification/Accommodation: A change to an operating policy, practice, or procedure that would pose a danger to the operator or others, is not necessary to achieve service accessibility, is burdensome, or would significantly change the nature of the service.

- Selected VTA staff received training on the DACTrak accessibility management software on August 10, 2021, August 18, 2021 and September 9, 2021.

Survey Comments from VTA Staff

Have you received training or information from the VTA or any other source regarding the requirements of the Americans with Disabilities Act?

#	Answer	%	Count
3	Yes - Please describe:	47.80%	87
4	No	52.20%	95
	Total	100%	182

Note: 52.20% of the staff have not received training regarding the ADA. However, 47.80% have received training.

Have you received training on providing services or assistance for persons with disabilities?

#	Answer	%	Count
1	Yes	29.05%	52
2	No	70.95%	127
	Total	100%	179

Note: 29.05% have received training on providing services or assistance for persons with disabilities. The number of “yes” survey respondents may have been higher, but some staff would not have a job function that relates to providing accommodations, such as information technology.

Some of the survey comments from VTA staff included training by the VTA:

- * Received a binder when I was hired that included information about the ADA
- * New employee orientation
- * Training regarding discrimination
- * Service animals and boarding passengers with disabilities
- * Policies and procedures
- * VTA bus stops
- * Accommodations process regarding COVID
- * Accessible document requirements and making electronic documents ADA accessible
- * Some ADA information in Title IV training
- * Design requirements
- * Fare inspector
- * Memos and department meetings
- * Annual VTT training
- * Field supervision training
- * Received information on design standards as it relates to ADA compliancy at bus stops and memos sent from Operations about new policies related to service animals.
- * Operations Light Rail and bus seating, boarding, access, emergency evacuations, plan development, service animals, communication plan compliance, maintenance priorities on ADA communication and other devices, Customer Service support.
- * Reviewed the circulars, updates and our ADA-related policies, Operations notices, and required reports to FTA as part of my position.
- * Covered in my two-day NEO training in April 2021
- * OCR from June 2016-June 2017 received multiple trainings and helped monitor ADA compliance while in the unit.
- * Light Rail Technical Training Department

- * As VTA employees, received compliance training which does touch on ADA as a protected class, necessary areas for accommodation, such as recruitment, training, and access to VTA facilities.
- * No training, only information that is in the Operators Rulebook and the information in the New Operator Workbook.

Other training not offered by the VTA that VTA survey staff respondents participated in.

- * Did my own research regarding adequate space for mobility devices
- * As a condition of my CA architects license renewal
- * Information as part of VTA Leadership Academy (via presentation from OCR)
- * Light Rail Recertification
- * Webinars related to Access Board's Public Rights Of Way Accessibility Guidelines (PROWAG), a webinar related to making shared streets accessible for people with visual impairments
- * FTA Region IX-ADA funding and compliance. Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity and access for persons with disabilities
- * State of California Disability Department in Stockton
- * University of the Pacific's Transit and Paratransit Management Certificate Program

RECOMMENDATIONS

No recommendations for compliance. As the VTA has provided numerous training opportunities and information regarding the ADA, training of employees by the VTA is compliant. However, additional ongoing training, webinars and materials may enhance training for VTA staff and volunteers.

- The ADA/504 Coordinator should continue to provide or coordinate additional ADA/504 training to all management and staff who have regular contact with the public.
- The VTA should include assurances on applications for volunteers that the applicant will adhere to and abide by all applicable state, federal and VTA policies and procedures. volunteers should be provided materials and/or training regarding nondiscriminatory practice and the requirements for access to programs, services, and activities of the VTA. Materials could also be offered on providing accommodations for persons with disabilities.
- The VTA should ensure that statements regarding nondiscriminatory practices are included in any VTA employee conduct policies and volunteer program manuals or documents.
- The VTA should include information as to the identity, title, address, phone number and email address of the ADA/504 Coordinator to new employee orientation and volunteer information.

Distribution and Location of Publications

The location of publications, documents, and brochures are required to be accessible for persons with disabilities. The actual documents are required to be compliant and available in an accessible alternate format when a reasonable request is made.

FINDINGS

PARTIAL COMPLIANCE

- ✓ Most publications, brochures, documents and displays were accessible for persons with disabilities. However, some displays and access to publications and documents were not at an acceptable reach range or on an accessible path of travel.
- ✓ Some counters and access points for information and services were not accessible.

RECOMMENDATIONS

- The ADA/504 Coordinator should continue to provide information to departments regarding the placement of brochures, pamphlets, and information in accessible locations and in accessible containers or displays for persons with disabilities. Including requirements for reach ranges and clear floor space for access to publications would also be helpful.
- Counters and areas that are lowered for access by persons with disabilities should be maintained and kept clear of display and work items.
- Displays should also allow for retrieval of the information without utilizing a tight pinching or grasping motion and be within a compliant reach range.
- Displays should be on an accessible route and within a compliant reach range.

Outreach Materials and Activities

The ADA does not specifically state how a public entity provides accessibility to the VTA's programs, services and activities. One method is to disseminate information to targeted populations, in a variety of locations and in accessible formats to enhance participation and access to programs, services, and activities of the VTA.

The FTA Circular 47101.1 encourages ongoing outreach activities to increase participation and opportunities for persons with disabilities.

FINDINGS

COMPLIANT

The findings and recommendations for this section are provided as "best practices" to ensure programs and services are provided in the most accessible manner. Some target outreach activities may increase input and possible further participation by persons with disabilities.

- ✓ An example of the ongoing efforts of the VTA to ask for comments to improve is the VTA is a "feedback" opportunity that is posted on the VTA website.
- ✓ In addition to the comprehensive outreach efforts that the VTA conducted to solicit input from the public, organizations and staff, the VTA has ongoing stakeholder opportunities for input and in some cases solicited input and feedback from the public.
- ✓ The VTA Citizens Advisory Committee was established to provide a communication channel for transportation stakeholders and residents of the county by providing input, analysis, perspective and timely recommendations.

Accessibility

Español	广州话	Tiếng Việt	한국어	Tagalog
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ADA Transition Plan

Santa Clara Valley Transportation Authority (VTA) is implementing its Americans with Disability Act (ADA) Transition Plan and self-evaluation and conducting a survey. The ADA Transition Plan is a comprehensive plan for improving access for individuals with disabilities to VTA facilities, programs, services, activities, and events. It's part of VTA's continued efforts to welcome and serve all members of the community. By implementing the Transition Plan, consistent with the ADA, VTA services and facilities will become more comfortable, welcoming, and accessible for all.

[Provide ADA Feedback](#)

- ✓ The VTA Public Participation Plan (PPP) guide states that it “is a guide for VTA’s public participation activities.” The purpose of the PPP is to promote the use of effective methods to inform and provide meaningful opportunities for input by all members of the public. In recognition of the importance of having an inclusive process, this plan has a special focus on reaching traditionally under-represented communities such as low-income, minority, and limited English proficient (LEP) populations.”

Although the current focus of the guide is understood, this guide could be expanded to be more inclusive and provide strategies for the involvement of persons with disabilities as it includes comprehensive strategies for involving the public.

RECOMMENDATIONS

The following recommendations are provided as “best practices” to enhance accessibility and encourage participation and engagement by persons with disabilities.

- The VTA should consider including additional pictures and references to persons with disabilities in publications, brochures, and materials.
- Organizations representing persons with disabilities and areas with an increased population of persons with disabilities could be targeted for input regarding additional methods to disseminate information regarding programs, services, and activities of the VTA.
- The VTA should consider targeted methods to increase the inclusion of persons with disabilities on commissions and committees.
- In VTA publications or on the website, areas or services that are accessible should be indicated with descriptive text and the International Symbol of Accessibility (ISA). For example, accessible restrooms and routes can be designated on the website, on maps and in publications.

Service Animals

Persons with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go (28 CFR § 35.136(g)). In accordance with §37.167(d), "the entity shall permit service animals to accompany individuals with disabilities in vehicles and facilities".

The Department of Justice (DOJ) published revised final regulations implementing the Americans with Disabilities Act (ADA) for Title II (State and local government services) and Title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Beginning on March 15, 2011, only dogs and miniature horses are recognized as service animals under Titles II and III of the ADA. A service animal is a dog (in some cases a miniature horse) that is individually trained to do work or perform tasks for a person with a disability. Public entities, such as the VTA, must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

Per FTA Circular 4710.1 published on November 4, 2015, the Department of Justice (DOJ) narrowed the definition of a service animal in amendments to its ADA regulations in 2010, but the DOT ADA regulations were unaffected. Accordingly, public transit providers must follow the DOT definition in § 37.3 when assessing whether to accommodate a particular animal. While most service animals are dogs, DOT's definition recognizes the possibility of other animals.

The DOJ and DOT provide different guidance regarding the definition of service animals. As a transit authority, the VTA follows guidance from DOT. The Federal Transit Administration (FTA) also provides guidance to recipients and subrecipients of Federal Transit Administration (FTA) financial assistance necessary to carry out provisions of the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, as amended, and the U.S. Department of Transportation's implementing regulations at 49 CFR Parts 27, 37, 38, and 39.

Per § 37.3, a service animal is: Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Service animals are animals that are "individually trained to work or perform tasks." This training can be by an organization or by an individual, including the individual with a disability. Transit agencies are not required to transport animals that have not been individually trained to perform specific work or tasks. If an animal's only function were to provide emotional support or comfort for the rider, for example, that animal would not fall under the regulatory training-based definition of a service animal. Simply providing comfort is something that an animal does passively, by its nature or through the perception of the owner. However, the ADA regulations do not prohibit a transit agency from choosing to accommodate pets and comfort animals, which would be a local decision.

It is important that local policies and practices recognize that some persons with hidden disabilities do use animals that meet the regulatory definition of a service animal. This would include, for example, animals that are trained to alert individuals with seizure disorders to an oncoming seizure or respond to a seizure and animals that are trained to remind persons with depression to take their

medication. Transit agencies cannot have a policy requiring riders to provide documentation for their service animal before boarding a bus or train or entering a facility, but personnel may ask riders two questions: (1) is the animal a service animal required because of a disability? and (2) what work or task has the animal been trained to perform?

The work or tasks performed by a service animal must be directly related to the individual's disability. It does not matter if a person has a note from a doctor that states that the person has a disability and needs to have the animal for emotional support.

According to a publication from the DOJ, examples of animals that fit the ADA's definition of "service animal" because they have been specifically trained to perform a task for the person with a disability:

- Guide Dog or Seeing Eye® Dog is a carefully trained dog that serves as a travel tool for persons who have severe visual impairments or are blind.
- Hearing or Signal Dog is a dog that has been trained to alert a person who has a significant hearing loss or is deaf when a sound occurs, such as a knock on the door.
- Psychiatric Service Dog is a dog that has been trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by psychiatric service animals may include reminding the handler to take medicine, providing safety checks or room searches, or turning on lights for persons with Post Traumatic Stress Disorder, interrupting self-mutilation by persons with dissociative identity disorders, and keeping disoriented individuals from danger.
- A sensory signal dog or social signal dog (SSigDOG) is a dog trained to assist an autistic person or their caregiver. These dogs are trained to do a variety of social or sensory tasks based on the needs of the individual. For example, a dog might cue a person to pay attention to street crossings and crosswalks when walking to their job.
- Seizure Response Dog is a dog trained to assist a person with a seizure disorder. How the dog serves the person depends on the person's needs. The dog may stand guard over the person during a seizure or the dog may go for help. A few dogs have learned to predict a seizure and warn the person in advance to sit down or move to a safe place.

Under Title II and III of the ADA, service animals are limited to dogs and in some cases miniature horses. Entities must make reasonable modifications in policies to allow individuals with disabilities to use miniature horses if they have been individually trained to do work or perform tasks for individuals with disabilities.

FINDINGS

COMPLIANT

Although the findings for VTA are currently compliant regarding "service animals" and the reference to dogs being service animals, recommendations are made to provide a more inclusive definition of "service animals" to comply with the ADA and Section 504. As noted in the applicable codes and requirements section of this report, VTA programs, services and activities are required to be in compliance with the ADA and Section 504.

The use of the term "signal dog" as referenced in FTA ADA Circular 4710.1, states that "Per § 37.3, a service animal is: Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability." The challenge with using the guidance in FTA ADA Circular 4710.1 is that the definition includes "or other animal". The definition of "other animal" would need

to be clarified to avoid confusion. If the VTA uses the FTA definition of a service animal, the VTA should consider defining "other animal".

Furthermore, the term "signal dog" is only one type of service dog. For example, other types of service dogs that have been specifically trained to perform a task for a person with a disability as defined by the ADA may include, but are not limited to only certain types of guide dogs, such as seeing eye dogs, hearing or signal dogs, psychiatric service dogs, sensory signal dogs and seizure response dogs are all "service dogs" and meet the definition of "service animals". Use of a more general, inclusive term "service animal" instead of a narrower focus on only one type of such as "signal dog" (which is rarely used) would include other types of "service dogs".

- ✓ VTA staff report that they have provided training sessions regarding service animals. The VTA ACCESS Paratransit Rider's Guide has provisions for service animals to accompany their handler and describes the conditions for the service animals to engage in transportation services.
- ✓ The VTA ACCESS Paratransit Rider's Guide outlines three (3) categories of eligibility and includes an appeals process.
- ✓ The VTA ACCESS Paratransit service area is outlined on the website and in publications.
- ✓ The Paratransit Data Cards to request eligibility for paratransit services are available in accessible alternate formats.

Survey Results from VTA Staff

9.38% of VTA staff were aware of a policy for service animals.

RECOMMENDATIONS

No recommendations for compliance. Although the VTA is compliant with regards to service animal practices, recommendations are made to enhance and clarify compliance and VTA's definition of service animals, especially FTA's expanded definition to "other animals".

- Information should continue to be provided to staff regarding service animals to understand the definition of a service animal and that service animals must be permitted to go to all public areas with a few exceptions. Information should be provided to staff to assist them to recognize a service animal and to understand the questions that they can ask. It should be clarified that it is never acceptable to ask about the person's disability.
- The VTA should maintain updated policies regarding service animals for all applicable programs, services, and activities of the VTA.
- The VTA should not exclude certain breeds of dogs as restrictions for a particular breed may be discriminatory and may exclude a qualified, trained service animal.
- Information about service animals should be provided to VTA staff in addition to training regarding service animals and in publications.
- Language in any pet ordinance should be modified or updated to ensure it is inclusive and not limited to only dogs or guide dogs or to a specific type of disability.

Other Power-Driven, Mobility Devices and Wheelchairs

Operators and providers of mobility devices are required to provide the services in an accessible manner for access by persons with disabilities. DOT and DOJ regulations differ in regard to the definition of a wheelchair.

Under § 37.165, transit agencies must transport individuals using wheelchairs if their devices meet the definition of a wheelchair and can be accommodated on the vehicle (e.g., they fit on the lift or ramp and in the securement area). Agencies may only decline to transport a wheelchair/occupant if doing so would be inconsistent with "legitimate safety requirements," as discussed below. A vehicle that complies with the base Part 38 specifications will be able to accommodate, at a minimum, all occupied wheelchairs weighing up to 600 pounds and measuring 30 inches in width and 48 inches in length (formerly known as a "common wheelchair"). Vehicles that exceed the minimum Part 38 specifications (e.g., those that have lifts with design loads of 800 pounds and securement areas larger than 30 x 48 inches) will accommodate larger, heavier devices.

Section 37.165(b) requires transit agencies to allow riders who use wheelchairs to board and ride accessible vehicles. A wheelchair is defined in § 37.3 as "a mobility aid belonging to any class of three or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered." The definition is consistent with the legislative history and intent to accommodate the wide range of devices used by individuals with mobility impairments. The definition does not include devices not intended for indoor use (e.g., golf carts or all-terrain vehicles) or devices not primarily designed to assist individuals with mobility impairments (e.g., bicycles or tricycles).

It is important to note that the definition of a wheelchair does not require specific elements or equipment such as front rigging (footplates or leg rests), wheel locks or brakes, push handles, or positioning belts or harnesses. Any transit agency policy, therefore, requiring wheelchairs to be equipped with specific features in order to be transported or allowing for the denial of service because of the perceived condition of a passenger's mobility device is not permitted under § 37.165(b) and would be a discriminatory policy prohibited by § 37.5(a).

As discussed in § 37.3, "persons with mobility disabilities may use devices other than wheelchairs to assist with locomotion. Canes, crutches, and walkers, for example, are often used by people whose mobility disabilities do not require use of a wheelchair. These devices must be accommodated on the same basis as wheelchairs."

Transit agencies are not required to accommodate devices not primarily designed for use by individuals with mobility impairments such as shopping carts, bicycles, and skateboards.

According to the Department of Justice: "Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines whether or not designed primarily for use by persons with mobility disabilities that is used by persons with disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section."

A public entity is required to make reasonable modifications to their policies, practices, and procedures when necessary to enable an individual with a disability to use a power-driven mobility

device to participate in its services, programs, or activities unless doing so would result in a fundamental alteration of their services, programs, or activities (28 CFR § 35.137(b)).

A public entity shall permit persons with mobility disabilities to use wheelchairs and manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by persons with mobility disabilities in any areas open to pedestrian use, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to 35.130.

In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification, a public entity may consider:

- The type, size, weight, dimensions, and speed of the device;
- The facility's volume of pedestrian traffic;
- The facility's design and operational characteristics (*e.g.*, whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary equipment, furniture or devices);
- If legitimate safety requirements can be determined to permit the safe operation of the other power-driven mobility device; and
- If the use of the other power-driven mobility device creates a substantial risk of serious harm to the environment.

FINDINGS

COMPLIANT

The VTA meets the requirements of mobility devices.

- ✓ Regarding its buses and light rail system, the VTA permits other powered mobility devices following the regulatory guidance of:
 - FTA Circular 4710.1: 2.4.2 Accommodating Riders Using Other Mobility Devices
 - Appendix D of Section 37.3
 - US DOT Guidance, "Use of Segways on Transportation Vehicles (2005)
- ✓ No VTA policies regarding the use of other power-driven mobility devices (OPDMD) in VTA facilities were found. However, 6.96% of the staff survey participants stated they were aware of an existing policy.

Survey Results from VTA Staff

6.96% of the VTA staff surveyed stated they were aware of a policy for other power-driven mobility devices (OPDMDs).

RECOMMENDATIONS

- Although not required, it is recommended that the VTA develop a policy for use of other power-driver mobility devices (OPDMD) that are owned and operated by persons with disabilities in VTA owned facilities and disseminate the information. The policy should follow California state regulations which restrict the vehicle's power to be electric and not gas powered.

- Contracts and agreements for shared mobility device programs should be monitored for accessibility. Vendors and operators should be notified that the programs are required to be accessible for persons with disabilities.

Ticketing and Seating for Special Events and Activities

As confirmed by VTA staff, the VTA does not currently sell tickets for activities or events. Therefore this requirement is not currently applicable. If, however, the VTA sells tickets for events in the future, the VTA understands that it is required to ensure the facilities are accessible and accessible seating is provided for persons with disabilities.

Accessible Priority Seating for Persons with Disabilities in Transit Vehicles

“Priority seating” in this section refers to and applies to transit vehicles. Reference to “accessible seating” refers to seating in a facility and is addressed in the facilities section.

Under § 37.165(b), transit agencies operating buses and vans with designated securement locations are not required to allow riders who use wheelchairs to ride elsewhere in the vehicle. According to § 37.165(b), agencies may create policies requiring riders who use wheelchairs to ride in designated securement areas noting that wheelchairs must fit in designated compliant areas. Part 38 vehicle specifications include requirements for the minimum number of designated securement areas for riders using wheelchairs. One or two such areas are required in buses and vans depending on the length of the vehicle. Securement devices are not required on rail cars.

“An entity shall not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats” in accordance with § 37.5(c). Section 37.5(c) prohibits an agency from requiring an individual with a disability to use designated priority seats if the individual does not choose to use the seats. Individuals with disabilities have the same right as all other riders to decide where they would like to sit.

In terms of service denial due to misconduct by riders, Section 37.5(h) states that “It is not discrimination under this part for an entity to refuse to provide service to a person with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others.

FINDINGS

COMPLIANT

- ✓ The VTA has policies regarding accessible seating for persons with disabilities regarding buses and vehicles.

Clarification of survey results from VTA staff: 10.09% of staff survey respondents said they were aware of a policy for ticketing and seating. This question pertained to ticketing and seating for events and not seating on buses or other transportation. It is likely that staff survey respondents did not realize that this question pertained to ticketing and seating for events.

RECOMMENDATIONS

None. No recommendations for compliance.

Eligibility Criteria

Public entities cannot use eligibility criteria that tend to exclude or screen out persons with disabilities (28 CFR §35.130(b)(8)). In addition to the ADA, Transit agencies are required by § 37.121 to provide complementary paratransit service shall provide the service to the ADA paratransit eligible individuals described in § 37.123(e) and (§ 37.123(a).

FINDINGS

COMPLIANT

- There was no evidence of discriminatory practices regarding eligibility criteria for access to programs and services.

RECOMMENDATIONS

No current recommendations regarding compliance.

- Program eligibility criteria should be reviewed on an ongoing basis as they are drafted or modified to ensure that eligibility criteria do not put additional burdens or requirements on persons with disabilities.
- The VTA should continue to ensure that all eligibility criteria allow for accommodations for persons with disabilities.

Fees and Surcharges

Public entities may not charge a fee or add a surcharge to a fee to cover the cost of making its facilities, programs, services, or activities accessible to persons with disabilities (28 CFR § 35.130(f)). "An entity shall not impose special charges, not authorized by [Part 37], on individuals with disabilities, including individuals who use wheelchairs, for providing services required by [Part 37] or otherwise necessary to accommodate them" in accordance with § 37.5(d)). A transit agency cannot impose special charges for providing required accessible services to individuals with disabilities.

Some examples of prohibited charges described in Part 37 include:

- Charging individuals more to ride in lift-equipped vehicles
- Charging individuals more for assistance beyond the curb when riding complementary paratransit, if such assistance is necessary to meet the origin-to-destination requirements of that service
- Charging extra fees to riders who use wheelchairs to travel in an accessible vanpool vehicle
- Charging individuals for travel to in-person interviews or functional assessments that are required as part of the ADA paratransit eligibility process
- Charging ADA paratransit eligible riders for photo IDs or for travel to or from locations to obtain required ID cards
- Imposing a mandatory fee to complementary paratransit riders (and their companions) for cancelled trips or trips counted as no-shows

FINDINGS

COMPLIANT

- ✓ There was no evidence of additional surcharges or fees charged to persons with disabilities that were not charged to individuals without disabilities to access programs, services, and activities.
- ✓ The VTA's Notice Under the Americans with Disabilities Act states, "VTA 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."

RECOMMENDATIONS

No recommendations regarding current compliance.

- To ensure ongoing compliance, the VTA's ADA/504 Coordinator should continually review fee policies and practices for consistency and to ensure that fees and surcharges are not charged to persons with disabilities that are not charged to persons without disabilities.

Emergency Procedures

Under Title II of the ADA, emergency programs, services, activities, and facilities must be accessible to people with disabilities and generally may not use eligibility criteria that screen out or tend to screen out people with disabilities.

The ADA also requires making reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination against a person with a disability and taking the steps necessary to ensure effective communication with people with disabilities.

The ADA generally does not require state or local emergency management programs to take actions that would fundamentally alter the nature of a program, service, or activity or impose undue financial and administrative burdens (28 CFR § 35.130(b)(1)) (28 CFR § 35.149).

The VTA is required to plan to meet the needs of persons with disabilities that may be using VTA facilities.

FINDINGS

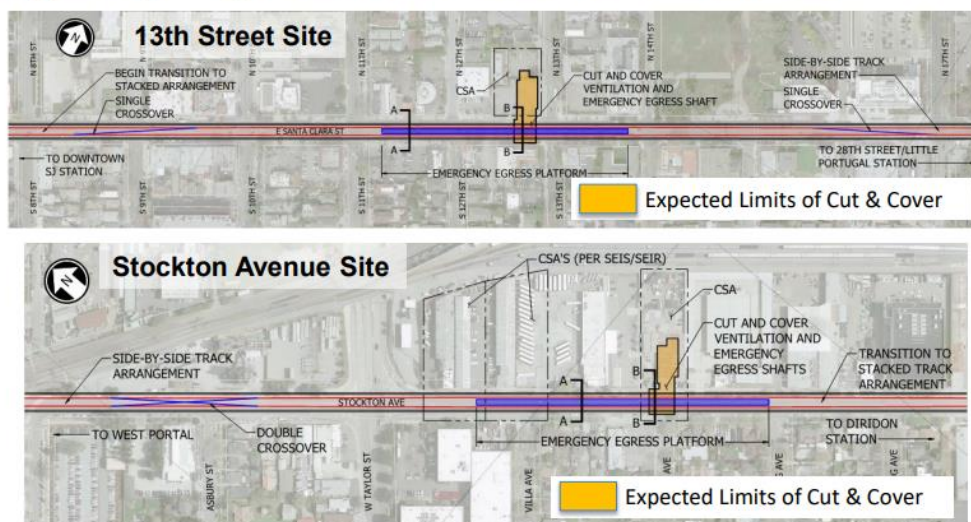
PARTIAL COMPLIANCE

- ✓ Some survey respondents said they were aware of policies for emergency evacuation.
- ✓ Specific policies addressing persons with disabilities evacuating and emergency procedures were not found.
- ✓ Downtown San José Station will be on Santa Clara Street with the main station entrance between Market and 1st Streets and the secondary entrance between 1st and 2nd Streets. An emergency egress and ventilation facility will be at the northwest corner of 3rd Street. Ticketing and fare gates will be at street-level at both entrances while the station's concourse and stacked platforms will be underground. There will be bicycle parking and convenient connections to VTA light rail and bus service on Santa Clara, 1st, and 2nd Streets.

The station area is planned to be integrated with planned on-site development, helping transition Downtown into a transit-oriented community.

- ✓ In VTA's Bart Silicon Valley Phase II Extension Project, a portion of the 13th Street Site and Stockton Avenue Site is designated for emergency egress as indicated in the below image. It is unclear if this is a standard required emergency egress or a designated area of rescue assistance.

Emergency Egress/Ventilation Facilities



Site identified for exhibit purposes only. Final location TBD

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Survey Results from VTA Staff

One staff member that responded to the survey stated that departments currently are evaluating employee needs in the event of an emergency situation.

70.95% of staff surveyed stated that they had not received training on providing services or assistance for persons with disabilities. Although this result is not focused on emergency evacuation, it provides an indicator that employees may benefit from training regarding evacuating and assisting persons with disabilities.

RECOMMENDATIONS

- The VTA should provide ongoing training and information regarding emergency evacuation procedures, particularly regarding the evacuation of persons with disabilities.
- The VTA should post evacuation routes and procedures at all VTA sites and on the website.
- The VTA should develop procedures and a mechanism to monitor the posting of emergency evacuation routes and procedures.
- The VTA should consider the development of a voluntary registry for individuals that may need additional assistance that may not have access to technology.

- Shelters should be surveyed to determine that they are accessible for persons with disabilities prior to be designated as an evacuation shelter. A provision should be noted to allow service animals and training should be provided to shelter staff to understand the difference between pets and service animals.
- Designated evacuation shelter sites should also be inspected on a regular basis to determine that the shelter continues to be accessible for persons with disabilities. Noncompliant findings for designated shelters can be found in the VTA's transition plan.

Policies for the Use of VTA Facilities

The use of VTA facilities cannot discriminate against persons with disabilities and applications for the use of VTA facilities should include nondiscrimination statements. The use or rental of facilities for nonrelated VTA events or meetings by individuals or organizations would need assurances that the event complies with federal, state and local accessibility requirements.

FINDINGS

COMPLIANT

Based on the VTA's current statement that the VTA does not offer or use any VTA facilities for use by the public, policies for facility use are currently not required.

RECOMMENDATIONS

No recommendations at this time.

Lease and Joint Use Agreements

Under Title II of the ADA, the VTA is responsible for providing access to its programs, services, and activities in both owned and leased facilities. Leased sites should be accessible and have provisions in the lease to ensure accessibility.

FINDINGS

COMPLIANT

- ✓ A sample of joint use and lease agreements were reviewed and found to be compliant regarding the samples that were reviewed.
- ✓ VTA has a program called the Transit Oriented Development Program that seeks to create mixed-use and mixed-income equitable through public-private and public-public partnerships on VTA owned sites that will generate revenues, increase ridership, and create transit-oriented communities. VTA provides a list of properties which are available for leasing, licensing, or joint development. The site link for each of the properties provides additional details about the respective property, including APN, size and zoning.
- ✓ Per the VTA Website, "The Transit Oriented Development Policy provides the appropriate framework to maximize the respective economic values of each real estate asset through consensus-driven, site-appropriate development that also increases transit ridership, created vibrant community assets and enhances the long-term life of VTA's facilities. In accordance with the revised policy framework, VTA's Transit Oriented Development Group ascertains which assets are suitable for development and provides the necessary groundwork and resources to engage in public/private partnerships".

- ✓ Below is the list of the 25 Stations/VTA Properties that are available for Joint Development Opportunities.
 - Alder Station
 - Almaden Station
 - Alum Rock Station
 - Berryessa/North San Jose Transit Center
 - Blossom Hill Station
 - Branham Station
 - Capitol Station
 - Cerone
 - Cottle Station
 - Curtner Station
 - Diridon Lot
 - Evelyn
 - Gilroy
 - Hostetter Station
 - Milpitas Transit Center
 - Morgan Hall
 - Ohlone/Chynoweth Station
 - River Oaks
 - San Martin
 - Santa Clara
 - Santa Teresa Station
 - Snell Station
 - Tamien Station
 - VTA Block
 - Winchester

- ✓ The VTA has multiple projects for joint use. One project is the Tamien Station Project that VTA has partnered with developer, UrbanCO-TamienLLC, a partnership between CORE Development and Republic Urban, to develop 6.96 Acres of property located near the Tamien VTA Light Rail and CalTrain Stations. The residential development will have 569 units of multifamily housing and 3,000 square feet of commercial retail space.

- ✓ The VTA's Real Estate & Transit-Oriented Development manages VTA's real estate assets across Santa Clara County. Leases include storage, parking, data, utilities, telecommunications and special events.

- ✓ The City of San Jose is preparing to sign a 5-year Lease with VTA for unhoused people living in their recreational vehicles for a safe space to sleep.

- ✓ The VTA has recently agreed to leasing land to the City of San Jose for a tiny home community and understands that it should be built to current code to ensure accessibility for persons with disabilities.

RECOMMENDATIONS

- If the VTA leases sites or has joint use agreements, in the future, the VTA should review the accessibility of sites that are and may be leased in the future prior to engaging in a lease or renewal agreement and establish a procedure for a pre-lease inspection.

- When considering a leased space, the ADA/504 Coordinator, or designated staff member, should be trained to conduct or have a designee or consultant conduct a field inspection of the prospective building to assess the building for a general, functional level of accessibility. The ADA/504 Coordinator could utilize an abbreviated checklist to determine general accessibility of facilities that the VTA is considering a lease. A more comprehensive inspection could be conducted if the initial review appears to be favorable.
- Language in lease agreements should be reviewed to clearly delineate the responsibility for accessibility and if it lies with the lessee or lessor or both.
- A pre-lease inspection process should be implemented for buildings that are not VTA owned but may be leased by the VTA.
- Language in lease agreements should be reviewed for ongoing compliance standards.
- Joint use agreements should outline accessibility provisions.

Contracted Services

Public entities cannot use contract procurement criteria that discriminate against persons with disabilities (28 CFR § 35.130(b) (5)). Contractors should be held to the same nondiscrimination rules that apply to VTA employees.

In addition, Section 37.23 requires contractors to follow public entity service requirements in Part 37 if they are operating service on behalf of a public entity. If a transit agency is using a contractor to run fixed route bus service, for example, the contractor would need to comply with the § 37.163 requirement to keep vehicle lifts in operative condition. As another example, consider a transit agency that uses a contractor to operate its commuter bus service. The requirements applicable to publicly operated commuter bus service take precedence over those that apply to over-the-road bus companies and services for the service provided on behalf of the public entity, even if the contractor also operates private intercity or charter/tour bus service.

FINDINGS

COMPLIANT

- ✓ Findings were compliant with the required contract language in regard to persons with disabilities and included flow down provisions.
- ✓ No discriminatory practices were found from the research concluded regarding the selection process of contractors and contracted services for the VTA.
- ✓ A sampling of contracts for services with the VTA was reviewed and no discriminatory or exclusionary practices were found.
- ✓ VTA contracts have "flow down" provisions to ensure compliance with accessibility standards for all tiers of contractors and subcontractors. The VTA is currently updating its language to state "VTA ACCESS, VTA's complementary paratransit service" in place of the previous wording of "ADA Access".
- ✓ The policy requires that the contractor "will at all times comply with the following requirements and will include these requirements in each subcontract entered into as part of the Contract." The contract further states "that the Contractor will operate public transportation services and will keep its facilities used in public transportation services in

compliance with: (i) 42 U.S.C. § 12101 et seq.; (ii) DOT regulations, including "Transportation Services for Individuals with Disabilities (ADA)" set forth at 49 C.F.R. Part 37; and (iii) Joint Architectural and Transportation Barriers Compliance Board (ATBCB)/DOT regulations, including "Americans with Disabilities Act (ADA) Accessibility Guidelines for Transportation Vehicles" set forth at 36 C.F.R. Part 1192 and "Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles" set forth at 49 C.F.R. Part 38. If Contractor is a private entity, Contractor must comply with the requirements of 49 C.F.R. Part 37 applicable to public entities."

- ✓ Contracts include a nondiscrimination provision that states:
"NONDISCRIMINATION: During performance of this Contract, Contractor, its employees and subcontractors shall not unlawfully discriminate, harass, or allow harassment against any person because of race, religious creed, color, sex, gender, gender identity, gender expression, national origin, ancestry, physical disability (including HIV and AIDS), mental disability, medical condition (including cancer), genetic information, marital status, age (over 40), sexual orientation, or military and veteran status. In addition, Contractor and any subcontractor shall not unlawfully deny any of their employee's family care leave or discriminate against such employees on the basis of having to use family care leave. Contractor shall ensure that the evaluation and treatment of its employees and applicants for employment are free of such discrimination and harassment."
- ✓ Contracts contain requirements for compliance with applicable laws which would include state federal and local laws that pertain to accessibility. Contract language states:
"COMPLIANCE WITH APPLICABLE LAW: In the performance of the Services, Contractor and its subcontractors shall comply with all applicable requirements of state, federal and local law. The provision of this paragraph shall be included in any subcontracts hereunder."
- ✓ Contracts contain requirements for applicable civil rights laws and regulations.

"CIVIL RIGHTS LAWS AND REGULATIONS: Contractor will at all times comply with the following requirements and will include these requirements in each subcontract entered into as part of the Contract:

1. FLOW DOWN: The requirements of this Section H apply to Contractor and its Contract subcontractors at every tier. Contractor is responsible for ensuring that all lower tier contractors and subcontractors are in compliance with this Section H.
 2. NONDISCRIMINATION: In accordance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d et seq., U.S. Department of Transportation ("DOT") regulations at 49 C.F.R. Part 21, and federal transit law at 49 U.S.C. § 5332, Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. In addition, Contractor agrees to comply with applicable federal implementing regulations and other implementing requirements FTA may issue."
- ✓ Contracts contain accessibility provisions to comply with the ADA, Section 504, the Architectural Barriers Act and federal transit law.

"DISABILITIES: In accordance with section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 et seq., the Architectural Barriers Act of 1968, as amended, 42 U.S.C. § 4151 et seq., and federal transit law at 49 U.S.C. § 5332, Contractor will not discriminate against individuals on the basis of disability. In addition, Contractor agrees to comply with any implementing requirements FTA may issue."

RECOMMENDATIONS

As the findings were compliant, no further action is required. A few additional recommendations are provided to enhance and sustain compliance.

- The VTA should continue to monitor use of standard agreements and contracts by all VTA departments, as well as monitor agreements that are not standardized.
- The VTA should consider including requirements for the purchasing or licensing of accessible information technology hardware and software when the program or devices will be available for use by the public.

Building and Construction

Although the VTA is a transit authority, each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities, if the construction was commenced after January 26, 1992 (35.151). Building and construction policies require that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under Title II of the ADA regulation. Buildings constructed after January 26, 1992 are considered new buildings and should be compliant with the current accessibility standards and state accessibility standards and requirements at the time of construction.

Existing buildings are defined as those buildings or sites that were constructed prior to 1992 and that have not had any major remodeling or renovation. If an existing building has had major remodeling or renovation, portions of the building would need to be brought up to the new standards. In addition, the path of travel to the building may be "triggered" and require renovation or remodeling to meet the current accessibility standards. A public entity may comply with the requirements for "existing buildings" by making programmatic changes. Full compliance of existing buildings may not be required where a public entity can demonstrate that it is structurally impracticable to meet the requirements.

The U.S. Department of Transportation (DOT) Americans with Disabilities Act (ADA) requirements for transportation facilities has increased emphasis on the requirements for new construction and alterations. As defined in 49 CFR § 37.3, a facility is "all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located."

"For purposes of [Part 37], a transportation facility shall be considered to be readily accessible to and usable by individuals with disabilities if it meets the requirements of [Part 37] and the requirements set forth in Appendices B and D to 36 CFR Part 1191, which apply to buildings and facilities covered by the Americans with Disabilities Act, as modified by Appendix A to [Part 37]" (§ 37.9(a)).

The Access Board issued its original ADA Accessibility Guidelines (ADAAG) in 1991 and, on the same day, DOT met its obligation to implement the ADA regulations through verbatim incorporation of ADAAG in Appendix A to Part 37. In 2004, the Access Board issued a major revision to ADAAG after an extensive notice and comment period.² In addition, the Access Board issued technical amendments to the revised guidelines. In 2006, DOT issued a final rule adopting the Access Board's 2004 revisions and subsequent technical amendments to ADAAG into Part 37 as standards.

FINDINGS

PARTIAL COMPLIANCE

Most designs and specifications were found to be compliant with applicable federal and state accessibility standards and regulations. Due to the number of noncompliant onsite findings in the field assessments, the oversight of construction needs to be enhanced.

- ✓ The VTA has developed and integrated design and construction standards and provided access to VTA staff and training to ensure compliance with accessibility standards.
- ✓ The VTA demonstrates multi-departmental integration strategies within the VTA departments and divisions in addition to VTA partners. The VTA has integrated planning, development, engineering, construction and operations.
- ✓ The VTA has archived an extensive library of documents that are contained in a VTA shared site for authorized VTA staff to access. Internal policies, procedures and resources focusing on the review of design and construction activities specific to ADA compliance and accessibility compliance were found. The VTA Construction Library is catalogued and has a table of contents and format codes for easy reference for the user with hyperlinks, hard copies and links to external websites. The VTA Library provides a “one-stop” shop to assist with understanding VTA procedures and compliance standards in a seamless and coordinated manner. The shared internal library assists to coordinate activities with other departments and divisions.
- ✓ The review of construction and design projects incorporated ADA compliance into each project.
- ✓ The VTA Station Access Policy Document Number: 400.006 dated October 12, 2018 states that the VTA will promote high-quality design for access improvements utilizing industry best practices and design principles found in adopted guidelines such as VTA’s Community Design and Transportation Manual, VTA’s Bicycle Technical Guidelines, and VTA’s Pedestrian Technical Guidelines.
- ✓ VTA Operations Policy: Passenger Facilities-Bus Stop Placement, Closures and Relocations Document Number: OPS-PL-0003, dated November 3, 2016 establishes standards for VTA to determine the placement of Bus Stops and when and under what conditions it will make Bus Stop closures and relocations. 4.0 of the Policy states that the Far Side Stops are the preferred location for Bus Stops for compliance with the ADA.
- ✓ The VTA adopted Service Design Guidelines in 2006 that include compliance with the ADA.
- ✓ The VTA developed a Supplemental Guide: Accessible Facility Design Elements to assist with accessibility compliance that was prepared by VTA Accessible Services.
- ✓ The Transit Passenger Environment Plan dated May 2016 outlines provisions for accessible ADA features including bus stops.
- ✓ The VTA references the TAM Facility Performance Measure Reporting Guidebook: Condition Assessment Calculation from the Federal Transit Administration, U.S. Department of Transportation dated April 2017.

- ✓ "ADA Compliance Checklist for Existing Facilities" contained in the VTA Library was used to access the River Oaks Campus Building B Lobby. The checklist only uses federal ADA codes and does not use California Building Codes as required. The VTA is required to scope projects to the federal or state standard that provides for the greatest level of accessibility. In many cases California requires a standard that uses a higher standard for accessibility.
- ✓ VTA policies state that it utilizes applicable federal and state accessibility laws, standards and regulations for construction, remodeling and major renovations.
- ✓ The VTA utilizes accessibility standards and regulations that include, but are not limited to, the California Building Code (CBC), the ADA Standards, California Manual on Uniform Traffic Control Devices, Proposed Right-of-way Accessibility Guidelines (PROWAG) and Caltrans standards.
- ✓ The VTA uses the California Joint Utility Traffic Control Manual (CJUTCM), which generally conforms with the California Manual on Traffic Control Devices (CMUTCD) and in accordance with CVC Section 21401 that uses traffic control devices complying with Department of Transportation standards for California streets and highways. Use of the CJUTCM demonstrates a collaborative effort among members of the California Inter-Utility Coordinating Committee.
- ✓ A review of selected VTA adopted standard accessibility design and details was found to comply with applicable accessibility standards and regulations.
- ✓ Language was found in the review of contracts that requests that work being performed with outside vendors that states that work will be performed to meet all applicable state and federal accessibility standards and regulations.
- ✓ Evidence of ongoing monitoring of construction and major remodeling to ensure compliance with the applicable accessibility standards was limited.
- ✓ The VTA has contracted for independent accessibility onsite reviews and plan reviews during the construction process for enhancing the construction oversight process. For example, DAC conducted plan reviews for the Milpitas Station, parking garage and ancillary building and bus operator's room in November 2018. In addition, DAC conducted site walks, plan review and accessibility reports for the Berryessa Station. DAC also consulted with the VTA regarding the Chaboya Bus Yard.
- ✓ VTA Facility Condition Assessments, a part of the State of Good Repair, incorporate only some ADA standards.
- ✓ The VTA has developed a Quality Assurance Program in December 2008 for all projects for Engineering and the Construction Division and Congestion Management Agency be planned, designed and constructed with the highest regard for quality. The QA program requires implementation of this policy during planning, design, real estate acquisition, development of environmental documents, equipment procurement, manufacturing, installation, construction, testing and start-up and closeout activities of all VTA projects.
- ✓ The Capital Projects Delivery Model (PDM) for VTA Congestion Management Agency and Engineering and Construction date June 2009 outlines and defines the project management

process and procedures for respective transportation projects. The PDM is established to provide the following primary functions:

1. To create a framework for consistent delivery of capital projects
 2. To establish defined procedures and protocols that ensure successful completion of projects
 3. To outline the associated responsibilities of all VTA staff and consultants involved in the execution of capital projects
 4. To foster an environment that continues to advance the skills and maturity of VTA staff in Project Management
 5. To provide continuity for a project from inception to close-out
 6. To deliver projects which meet the needs of operating agencies, including VTA, and the needs of the traveling public.
- ✓ The Facilities Master Plan for Chaboya and Cerone was reviewed for assurances and language regarding ADA compliance. In general, findings regarding accessibility requirements were not included. It is understood that the Facility Master Plan is not intended to be a detailed ADA assessment.

RECOMMENDATIONS

- Due to the number of noncompliant findings of new construction and renovations identified during the accessibility review of sites for the ADA Transition Plan, the VTA should enhance their inspection process and oversight of projects to ensure that remodeling and new construction meet applicable accessibility standards.
- For complex, unique or large projects, the VTA should continue to consider contracting for an independent review of plans, remodeling efforts and new construction for accessibility requirements for the Americans with Disabilities Act Standards (ADA), the California Building Code and other applicable building standards and regulations to provide additional oversight.
- Documents that include inspection of facilities, such as master plans, condition assessment reports and transit assessment management plans should incorporate general ADA requirement to a greater extent.
- The VTA should ensure that accessibility inspections are conducted as work progresses and is completed.
- VTA Facility Condition Assessments, a part of the State of Good Repair, should incorporate ADA standards using an updated inspection form and findings reflected in the VTA Facility Condition Assessment reports. The task of updating inspection forms is challenging as there are over 1,000 inspection forms. Training should be provided for inspectors.
- The "Rating Overview" matrix should have a column added that includes ADA issues.
- The VTA should ensure that contractors are informed when performing construction activities adjacent to or within the public rights-of-way that accessible and safe pedestrian routes must be maintained throughout the project. Information on alternate accessible pedestrian routes and detours should be posted on the VTA's website, as well as at the site

during construction.

- The VTA should continue to schedule, manage, document and remove barriers identified in the VTA's ADA/504 Self-Evaluation and Transition Plan.
- As barriers are removed, they should be documented in the VTA's transition plan.
- The VTA should keep the transition plan current and produce progress reports on a regular basis.

Maintenance of Accessible Features

The ADA requires that accessible features be maintained (35.133). Accessible features and elements may include examples such as maintaining door pressures, elevators, trimming vegetation so that it does not encroach on accessible paths of travel, maintaining clear areas to access display areas, access to brochures, access to posted agendas and replacing damaged or missing signage.

The ADA requires that, to the maximum extent feasible, facilities must be accessible to, and usable by, persons with disabilities. This section recognizes that it is not sufficient to provide features such as accessible routes, elevators, or ramps, if those features are not maintained in a manner that enables persons with disabilities to use them. Inoperable elevators, locked accessible doors, or "accessible" routes that are obstructed by furniture, filing cabinets, plants or displays, for example, are neither "accessible to" nor "usable by" persons with disabilities.

As per § 37.167(e), the entity shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by Part 38 of this title". A transit agency is required to have and "maintain" accessibility-related equipment or features.

FINDINGS

COMPLIANT

- ✓ VTA policy provides for regular maintenance and prompt repair of accessibility equipment and Lifts, ramps, and device spaces on buses are maintained at the standards established by the Americans with Disabilities Act (ADA) to provide access for mobility devices.
- ✓ The VTA 2017-2022 Strategic Plan includes accessibility. The sustainability portion of the plan provides a standard and process to be maintained over time to maintain and sustain accessibility initiatives.

RECOMMENDATIONS

- The VTA should continue to monitor accessible items and elements that are required to be accessible and therefore need to be maintained in an accessible manner.
- The VTA should continue to interface with other local jurisdictions to coordinate ADA efforts and staff training.
- The VTA may consider developing internal procedures or policies to maintain and track accessible features which require general maintenance. A few examples include re-stripping of parking, trimming vegetation or items that interfere with sidewalks and paths of travel, and adjusting the push/pull force and closing speeds of door closers.

Planning, Budgeting, Implementation and Strategies for Ongoing Compliance

There is not a specific requirement in the ADA or Section 504 for planning and budgeting for barrier removal. There is a requirement for public entities to incorporate a projected schedule for barrier removal into the transition/barrier removal plan. A VTA that is budgeting for ADA/504 barrier removal and to improve access to programs, services and activities shows intent to implement the barrier removal/transition plan and to enhance access to programs, services, activities, and facilities by persons with disabilities.

The VTA is required to provide a projected schedule with estimated dates for barrier removal in the ADA/504 self-evaluation and transition plan. The projected schedule is an estimate or planned date for barrier removal. Projected dates, however, may change due to a variety of factors. Developing an ADA plan and a schedule for implementation and removal of barriers provides clear documentation of the VTA's ongoing efforts to remove barriers and to provide access to VTA programs, services, and activities.

Implementation of the recommendations in the self-evaluation and transition plan will continue to require planning, resources, staff training, interdepartmental coordination and collaboration throughout the organizational structure and the public. As the VTA recognizes that compliance with the ADA is not a "one-time" event and requires strategic planning and an ongoing commitment to provide equal access to its programs, services, and activities to maintain and enhance compliance with the requirements of the ADA.

FINDINGS

COMPLIANT

The VTA has extensive policies and procedures for planning, budgeting and implementation.

- ✓ A review of budget documents has demonstrated an ongoing commitment to provide access to facilities, programs, services, and activities of the VTA.
- ✓ The VTA receives funding from federal, state and local sources in addition to VTA partners.
- ✓ There are multiple examples of comprehensive planning and budgeting. For example, the 2019 Transit Service Guidelines guides VTA's service planning efforts by establishing:
 - A framework to objectively monitor and evaluate VTA's transit services.
 - A process to develop service change recommendations for the VTA Board of Directors to consider that are based on best practices in the transit industry.
 - Objective measures to guide service planning decisions that are equitable, systemic, timely, and move VTA toward achieving the goal of providing Faster Frequent Reliable Transit from the VTA Strategic Plan.
- ✓ The framework of service classes and characteristics form the basis by which services are developed, evaluated and modified.
- ✓ The Pedestrian-Oriented Street Design section of the 2019 Transit Service Guidelines includes mobility, accessible features states that the design will be free of physical barriers.

- ✓ As discussed at a VTA Board Workshop on September 20, 2019, the VTA continues to collaborate with cities to identify station area access needs.
- ✓ There are many examples of funding and cost-sharing with VTA partners. For Example, the VTA successfully defended Measure B funds in litigation and in January 2019 we were able to access the funds held in escrow since April 2017. 2016 Measure B tax collections through September 2019 total approximately \$510 million. Funds previously held in escrow were released, contributing \$14.5 million to transit revenues. Our first action was to release \$9 million of one-time, advanced 2016 Measure B funds to all 15 cities and the County of Santa Clara. VTA added more than five new miles to the Express Lanes running along State Route 237 through San Jose, Santa Clara, Sunnyvale and Milpitas, offering a quicker and more reliable commute in one of the most congested corridors in Silicon Valley. This second phase of VTA's Express Lanes Program extends the first stretch of lanes, which began operation in 2012 on SR 237, from Dixon Landing Road to North First Street. All commuters who use the Express Lanes must have a FasTrak transponder regardless of how many occupants a vehicle has, or whether it's a clean air vehicle. Construction on Phase 3 is underway on US 101 and SR 85, which will convert the existing carpool lanes to express lanes on US 101 from near SR 237 in Sunnyvale to the San Mateo County line in Palo Alto. It also includes the existing US 101/SR 85 carpool lane-to-carpool lane direct connector ramps.
- ✓ The VTA is currently reviewing the results from the 2021-2022 implementation strategies for the removal of barriers identified in DACTrak regarding the current Valley Transportation Authority ADA/504 Self-Evaluation and Transition Plan.
- ✓ There is evidence that the VTA is incorporating the removal of barriers to accessibility on an ongoing basis and plans to remove additional barriers to VTA programs, services, and activities.
- ✓ To enhance planning and compliance for persons with disabilities in an expeditious and cost-effective manner, the VTA solicited input from the community and staff for the current Valley Transportation Authority ADA/504 Self-Evaluation and Transition Plan. The VTA has several methods available for ongoing input to continue to develop, maintain and implement the ADA self-evaluation and transition plan. The VTA has provided opportunities for public input regarding the ADA and accessibility to assist with planning and implementation. In addition, the VTA conducts ongoing outreach activities that provide input into the process.
- ✓ The VTA Local Streets and Road Preservation Project Federal Surface Transportation Block Grant Program (STBGP) funds assist with the preservation and rehabilitation of local streets and roads (LSR). Funds are provided for rehabilitation and maintenance.
- ✓ VTA Station Access Policy Document Number: 400.006 dated October 12, 2018 ensures safe accommodations for all riders including the elderly and people with disabilities, by following accessible, universal design standards. The Station Access Policy promotes high-quality design for access improvements utilizing industry best practices and design principles found in adopted guidelines such as VTA's Community Design and Transportation Manual, VTA's Bicycle Technical Guidelines, and VTA's Pedestrian Technical Guidelines.

RECOMMENDATIONS

- The VTA should continue to maintain an ongoing barrier removal implementation plan and document the VTA's progress, initiatives and funds expended.

- In appropriate cases, it is recommended that the VTA contract for an independent review of plans, remodeling efforts and new construction for accessibility requirements for the Americans with Disabilities Act Standards (ADA) and Title 24 of the California Building Code. It is important and required that the accessibility barrier removal efforts meet federal and state accessibility codes.
- The ADA/504 Coordinator, or designated staff, should be empowered with the authority to make recommendations and monitor the current VTA ADA/504 Self-Evaluation and Transition Plan.
- In addition to the removal of structural barriers, departments should consider budgeting for accessibility items, especially in communication, such as TTY/TDD's and alternate formats.
- Implementation of the recommendations in the self-evaluation will continue to require planning, resources, staff training, interdepartmental coordination and collaboration throughout the organizational structure and the public.

Conclusion

The VTA has demonstrated an ongoing commitment to provide equal access to its programs, services, and activities to maintain and enhance compliance with the requirements of the Americans with Disabilities Act. As clearly shown in the review of documents and activities of the VTA, the VTA continues to embrace the concept of full and equal access for persons with disabilities. The findings from the VTA ADA/504 Self-Evaluation and Transition Plan Update memorialize some of the VTA's compliance efforts. The VTA has successfully completed many ADA compliance activities along with planning and budgeting for future activities that are sustainable.

A summary of findings and recommendations is provided in this section but is not intended to be totally inclusive of all findings and recommendations contained in the Valley Transportation Authority ADA/504 Self-Evaluation and Transition Plan Update.

Overall, the findings for "programmatic" areas such as policies, programs, services, activities, funding and planning were found to be compliant. The few findings that need to be enhanced do not have a significant impact for access by persons with disabilities. As noted in the report, some areas should be updated or enhanced to provide a greater level of access by persons with disabilities.

Noncompliant findings for physical barriers identified in the onsite reviews and included in the Transition Plan were found to have the potential to limit access by persons with disabilities. Potential physical barriers are contained in detail in the DACTrak online accessibility management software that the VTA is using to manage, update and implement its ADA implementation plan.

Recommendations are made either to 1) assist with compliance and may necessitate corrective action or 2) assist to maintain current accessibility activities that are compliant.

1. ADA POLICY STATEMENT AND STATEMENT OF NONDISCRIMINATION

The VTA has developed an ADA Compliance Policy Statement and procedures that clearly describes the commitment and nondiscriminatory policies and practices of the VTA regarding recruitment, employment, policies, access to programs, services, events and facilities. VTA has a policy statement contained in the ADA Notice to the Public (see Appendix A). The VTA may

want to disseminate ADA Notices in building locations, transit centers and in selected publications in addition to the VTA website.

2. POLICY DEVELOPMENT AND UPDATES

Although the VTA is not required to develop a policy for each and every area of access to the VTA's programs, services and activities, it is general practice for public entities to develop policies across the entity (VTA) to ensure compliance with the accessibility requirements and standards. Policies regarding service animals, ticket sales for events (if applicable), use of VTA facilities, other power-driven mobility devices (OPDMDs) and ongoing training should be developed as needed.

3. ADA/504 COORDINATOR

Due to the size and the complex nature of a transit authority, numerous responsibilities and importance of ongoing compliance with the ADA, Section 504 of the Rehabilitation Act and related accessibility legislation, it is recommended that the VTA assign a full-time VTA staff member to serve in the role of ADA Coordinator and 504 Coordinator. The dedicated position could serve in related areas such as Title VI compliance, as appropriate. It is also recommended that the position of ADA/504 Coordinator be placed on an organizational level that has authority to oversee and implement the ADA plan.

The identity and the role of the ADA/504 Coordinator should continue to be published using multiple methodologies to inform staff and members of the public.

Due to the required role of the ADA/504 Coordinator, it is important that interdepartmental coordination is enhanced to include project planning, funding and documentation of the barriers removed.

4. TRAINING

Ongoing and updated training should be continued for the ADA/504 Coordinator, VTA staff, new employees and volunteers regarding the responsibilities of the VTA for ADA compliance, providing accommodations, nondiscriminatory practices and providing access to VTA programs, services, and activities for persons with disabilities.

5. ESTIMATED DATES FOR BARRIER REMOVAL

The ADA/504 self-evaluation and transition plan is a fluid, planning document that is prioritized and phased in order to develop and maintain a plan for the removal of barriers to access programs, services and activities of the VTA. Projected and estimated dates may change due to accessibility needs, planned projects, projected projects, funding, complaints, claims, litigation and initiatives of the VTA. Following communication between departments and an analysis of not only currently available funding, but funding that will be needed in the future, the VTA should continue to update the projected dates of barrier removal in the DACTrak software in order to have "estimated dates" of barrier removal.

A process should be developed by departments or divisions to coordinate, update and implement the barriers identified in the transition plan. included in the DACTrak accessibility management software program. As physical barriers are removed, it is important to document VTA's removal of barriers.

6. GRIEVANCE PROCEDURES AND FORMS

Grievance or uniform compliant procedures should continue to be made available to members of the public in addition to VTA staff. Although the Department of Justice uses the term "Grievance", the procedures and forms can be "Complaint and/or Grievance Procedures".

Staff should be trained regarding the requirements and methods for members of the public to access grievance procedures and forms to provide for timely and effective communication regarding accessibility complaints. In addition, complaints and grievances should be tracked to document the date of the grievance, the action taken by the VTA (if any) and the resolution of the grievance.

7. STATEMENT OF ACCOMMODATIONS

Although the VTA has developed comprehensive policies and procedures regarding accommodations that are available on the website and in documents, it would be beneficial to include statements of accommodations on selected VTA public facing documents such as agendas, meeting announcements, events and activities.

8. CONSTRUCTION OVERSIGHT

The VTA should consider a more formalized construction oversight process to include accessibility plan reviews, proposal development for accessibility, construction reviews, post construction reviews and acceptance by the VTA.

9. STAKEHOLDER INPUT AND OUTREACH

The VTA may consider forming a disability access advisory group or committee that could serve as a liaison between stakeholders and the VTA to provide input and suggestions regarding access by persons with disabilities. Additional activities to enhance outreach and inclusion may include additional pictures of persons with disabilities in publications, information regarding accessibility provisions for VTA events and programs, accommodations to increase participation and increased participation of persons with disabilities on committees and advisory boards.

10. PLANNING AND BUDGETING

The VTA should continue to plan and budget for barrier removal of items that may deny access for persons with disabilities. The 2021-2022 Valley Transportation Authority ADA Transition Plan identifies physical barriers that exist within facilities, parks, bus stops, transit centers and areas of the public rights-of-way. A phased plan for barrier removal, projected barrier removal dates and allocated funding will provide for an ongoing, sustainable plan over time.



**Public Notice and Posting
Santa Clara Valley
Transportation Authority**



In keeping with its ongoing efforts to serve all members of the public, Santa Clara Valley Transportation Authority (VTA) is implementing its Americans with Disabilities Act (ADA) transition plan and self-evaluation, and conducting a survey. The transition plan provides a comprehensive outline that inventories and prioritizes accessibility needs for persons with disabilities to access VTA facilities, programs, services, activities and events.

VTA is seeking input from the community, care providers and organizations assisting persons with disabilities. Your feedback is important to us and will provide valuable information on how VTA can better serve persons with disabilities.

Individuals who would like to provide input are invited to complete a survey. Surveys are available from VTA's ADA Coordinator and on VTA's website at <https://www.vta.org/accessibility>. **You will be entered to win one of three \$50 gift cards upon completion.**

You can also send an email, letter, or call VTA's ADA Coordinator with your comments and suggestions without completing a survey.

Jaye Bailey, ADA/504 Coordinator
Santa Clara Valley Transportation Authority
3331 North First Street, B2
San Jose, CA 95134
Phone: **408-321-2300**
TTY through California Relay at: 7-1-1
Email: customer.service@vta.org

Please contact Jaye Bailey, ADA/504 Coordinator, if you have questions, comments or to request a survey in an alternate format.

Information regarding the Americans with Disabilities Act can be obtained from the ADA/504 Coordinator.

The Santa Clara Valley Transportation Authority complies with the Americans with Disabilities Act of 1990, Public Law 101-336, which prohibits discrimination on the basis of disability.

The Santa Clara Valley Transportation Authority 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.

NOTICE TO THE PUBLIC

NONDISCRIMINATION STATEMENT OF POLICY

In compliance with state and federal Civil Rights laws, the Santa Clara Valley Transportation Agency (VTA) ensures that no person shall, on the grounds of race, color, religion, national origin, ethnic group identification, religion, age, disability, sex, sexual orientation, or genetic information be excluded from participation in, denied the benefits or services of, or be otherwise subjected to discrimination in all programs, services or activities administered by VTA.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

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

EMPLOYMENT

VTA 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.

EFFECTIVE COMMUNICATION

VTA will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in VTA'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.

MODIFICATION TO POLICIES AND PROCEDURES

VTA 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 VTA vehicles, transit facilities, and administrative offices even when pets are generally prohibited.

Notice to the Public

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 VTA, should contact:

ADA Coordinator
Accessibility, Civil Rights, and Equity (ACRE)
Santa Clara Valley Transportation Authority
3331 North First Street, B2
San Jose, CA 95134
(408) 321-2300

Please contact the ADA/504 Coordinator as soon as possible but no later than 72 hours before the scheduled event. The ADA does not require VTA to take any action that would fundamentally alter the nature of its program or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of VTA is not accessible to persons with disabilities should be directed to VTA's ADA/504 Coordinator (contact information above).

VTA 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.

አማርኛ (Amharic)

عربي (Arabic)

Hrvatski (Croatian)

فارسی (Persian/Farsi)

Français (French)

Deutsch (German)

ગુજરાતી (Gujarati)
हिंदी (Hindi)
ខ្មែរ (Khmer/Cambodian)
日本人 (Nihongo/Japanese)
한국어 (Korean)
Português (Portuguese)
ਪੰਜਾਬੀ (Punjabi)
Српски (Serbian)
Español (Spanish)
русский (Russian)
中文 (Chinese - Simplified)
中文 (Chinese - Traditional)
Tiếng Việt (Vietnamese)
Somali

Americans with Disabilities Act (ADA)

VTA is committed to providing safe, reliable and convenient bus and light rail service that is accessible to persons with disabilities.

The Americans with Disabilities Act of 1990 (ADA) {42 U.S.C. Section 12101 et seq., Stats 327} protects against discrimination based on physical, cognitive, visual or perceived disabilities.

Recognizing the importance and value of all people in America’s society, the ADA protects the access of all people to public services including transportation and employment opportunities.

VTA American with Disabilities Act Policies

- Regular maintenance and prompt repair of accessibility equipment
- Providing assistance with boarding
- Providing alternative transportation if a passenger cannot be boarded because of failure of accessibility equipment
- Service animals
- aboard bus and light rail vehicles
- Operator training
- Buses and light rail vehicles are equipped to announce and display the next stop
- Mobility device securement policy
- Paratransit
- service provision
- Accessible Facilities
- VTA’s transit centers, shelters, and most bus stops are fully accessible.
- Reasonable Accommodation
- VTA accommodates passengers with disabilities using bus and light rail services by making reasonable modifications to operating policies, practices and procedures upon request in accordance with the United States Department of Transportation’s Final Rule to 49 CFR Parts 27 and 37.

Reasonable modifications may include:

- Helping passengers insert money into fare boxes
- Allowing passengers to eat, drink or take medicine aboard a transit vehicle to avoid a medical problem
- Permitting passengers to board separately from their mobility devices when the passenger can control the movement of the device

- Passengers may request modifications in advance, or at the time they are needed. Passengers are not required to say "Reasonable Modification" when asking for an accommodation.
- Guidance Surface Tiles
- Bus Lifts and Ramps
- Elevators, Stairs and Escalators
- Reporting Inoperability

VTA staff will work with passengers to find an alternative approach to accommodate their accessibility needs, if a request for a policy, practice, or procedural modification cannot be fulfilled. To request an accommodation, contact VTA Customer Service:

(408) 321-2300
 (408) 321-2330 TTY
 (800) 894-9908 (outside Santa Clara County)
customer.service@vta.org

Notice and information found on the "Accessibility Page" of website:

ADA Transition Plan

Santa Clara Valley Transportation Authority (VTA) is implementing its Americans with Disability Act (ADA) Transition Plan and self-evaluation and conducting a survey. The ADA Transition Plan is a comprehensive plan for improving access for individuals with disabilities to VTA facilities, programs, services, activities, and events. It's part of VTA's continued efforts to welcome and serve all members of the community. By implementing the Transition Plan, consistent with the ADA, VTA services and facilities will become more comfortable, welcoming, and accessible for all.

What the ADA Requires of VTA Transportation Services

VTA's services must be accessible to people with disabilities consistent with specific guidelines as set forth in the ADA regulations. Transit buses, light rail vehicles, and transit facilities must accommodate people with disabilities by incorporating design elements that improve transit usability.

People who use wheelchairs must be able to board buses and light rail vehicles, and effectively use transit facilities to access these services. This requires lifts, ramps and other station or bus stop design features in order to ensure access to the transit services. Bus and light rail operators are also required to provide assistance to people who choose to use such boarding devices.

Announcing key destinations, bus stops and light rail stations is required to better orient and assist people with visual disabilities.

For more information about accessible features of VTA's Bus and Light Rail services, contact us:

VTA Customer Services
 3331 North First Street, Building B
 San Jose, CA 95134-1906
 Telephone: (408) 321-2300
 TTY Only (408) 321-2330
 Email: customer.service@vta.org

Accessible Information

Information at VTA is accessible, including VTA's website.

Also, at most bus stops and at all transit centers, bus stop poles are marked with raised letters and Braille that read "BUS". VTA buses audibly announce the line number and destination when the doors open at bus stops. Inside VTA buses, digital message boards and announcements inform customers of cross-street locations and significant bus stops along the route. **Contact Customer Service** to request other forms of information made accessible by large print, Braille, and audio tape.

Any information or documents that VTA makes available to the public must also be available in accessible formats. Information about bus and light rail services such as schedules and destinations are available by **contacting Customer Service**. Accessible documents are available upon request in various formats such as Braille, computer diskette, cassette tape or via email by contacting us at:

VTA Board Secretary's Office
3331 North First Street, Building B
San Jose, CA 95134-1906
Telephone: (408) 321-5680 Email: board.secretary@vta.org

Additional ADA Notice to the Public Notice to the Public

Americans with Disabilities Act (ADA)

VTA is committed to providing safe, reliable and convenient bus and light rail service that is accessible to persons with disabilities. The Americans with Disabilities Act of 1990 (ADA) {42 U.S.C. Section 12101 et seq., Stats 327} protects against discrimination based on physical, cognitive, visual or perceived disabilities.

Recognizing the importance and value of all people in America's society, the ADA protects the access of all people to public services including transportation and employment opportunities.

VTA American with Disabilities Act Policies

Regular maintenance and prompt repair of accessibility equipment

Providing assistance with boarding

Providing alternative transportation if a passenger cannot be boarded because of failure of accessibility equipment

Service animals aboard bus and light rail vehicles

Operator training

Buses and light rail vehicles are equipped to announce and display the next stop

Mobility device securement policy

Paratransit service provision

Accessible Facilities

VTA's transit centers, shelters, and most bus stops are fully accessible.

Guidance Surface Tiles

Light Rail Stations have Detectable Warning Surface Tiles on their platforms to warn passengers where the platform edges are.

Between Car Barriers pylons on the platform edges alert passengers to the spaces between Light Rail cars when they arrive at the stations.

Directional guidance surface tiles are installed on pedestrians paths at the following transit centers to guide passengers with visual disabilities to bus stops, shuttle stops, rail station platforms and crosswalks. The tiles are also used to guide passengers out of a transit center to a crosswalk which will lead them to a major activity center, such as a shopping mall or a college campus.

Ohlone-Chynoweth Station

Palo Alto Caltrain Station

Penitencia Creek Transit Center

West Valley Transit Center
Winchester Transit Center
Alum Rock Transit Center
Gilroy Caltrain Station
Great Mall Transit Center
Mountain View Station

Directional tiles are used in conjunction with decision tiles and crosswalk guidance tiles. Decision tiles alert passengers with visual disabilities who use white canes that there is a choice that can be made in the direction they are walking to access a bus stop or a crosswalk.

Crosswalk guidance tiles, installed in the center of pedestrian crosswalks, guide pedestrians with visual disabilities using white canes across crosswalks at transit centers and provide them with an indication that they are within a vehicular area. These tiles are thicker than directional tiles to withstand the weight of transit vehicles. Crosswalk guidance tiles are installed across the entire crosswalk and terminate at the bottom of the curb ramp.

Bus Lifts and Ramps

Lifts, ramps, and device spaces on buses are maintained at the standards established by the Americans with Disabilities Act (ADA) to provide access for mobility devices.

Elevators, Stairs and Escalators

Eleven light rail station platforms require the use of, elevators, stairs or escalators to access the trains:

Virginia
Tamien
Curtner
Capitol
Branham
Hamilton
Blossom Hill
Snell
Cottle
Great Mall
Montague

Reporting Inoperability

Passengers who encounter a bus with a lift that is not working should wait for the next bus. If the wait for the next bus is longer than 30 minutes, the driver will request a special lift-equipped van to provide transport. VTA's new low floor buses have ramps for direct wheelchair boarding.

When an elevator is out-of-service, audio and message text announcements will be broadcast aboard Light Rail vehicles, at light rail stations, and on VTA's website giving the location of the out-of-service elevator. Passengers who must deboard a train at a station with an out-of-service elevator should let the train's operator know. The train operator will take steps to deboard you at another station and provide alternative transportation, if needed, to your desired station.

Appendix B – Grievance Policy and Forms

Information from the VTA website:

Americans with Disabilities Act Grievance

Body

The Santa Clara Valley Transportation Authority (VTA) grants all citizens **equal access** to its transportation services. 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 VTA. VTA's Personnel Policy governs employment-related complaints of disability discrimination.

Complaint Process

Any person with a disability who believes that she/he has been discriminated against in any access to VTA's transit services, public information, or employment opportunities may file a grievance with VTA's ADA Compliance Officer, Jolene Bradford.

ADA Complaint Form

The complaint must be filed no later than 180 calendar days of the alleged discriminatory incident. The preferred method is to file the complaint in writing using the ADA Complaint Form (provided below), and sending it to:

Jolene Bradford
Accessibility, Civil Rights and Equity (ACRE)
Santa Clara Valley Transportation Authority
3331 North First Street, B1
San Jose, CA 95134
(408) 321-2300

Verbal complaints will be accepted and transcribed by contacting VTA's customer service center at **(408) 321-2300**. Complaints may also be filed with external entities such as the **Federal Transit Administration**, the **Equal Employment Opportunity Commission**, or the **Department of Fair Employment and Housing**. Please review information on the respective agency websites for details on filing ADA complaints.

Should a complaint be filed with VTA and an external entity simultaneously, the external complaint shall supersede the VTA complaint. However, VTA will continue its own investigation of the complaint and make the findings available.

Investigations

Within 10 working days of receipt of the formal complaint, the ADA Coordinator will notify the complainant and begin an investigation. The investigations will address complaints against any VTA department(s). The investigation will be conducted in conjunction with and under the advice of the Employee Relations Department. The investigation may include discussion(s) of the complaint with all affected parties to determine the problem. The complainant may be represented by an attorney or other representative of his/her own choosing and may bring witnesses and present testimony and evidence in the course of the investigation.

The investigation will be conducted and completed within 60 days of the receipt of the formal complaint.

Based upon all the information received, an investigation report will be written by the ADA Coordinator for submittal to the Chief Administrative Officer. The complainant will receive a letter stating that final decision by the end of the 60 day time limit. Most investigations are completed

within 30 days. The complainant will have five (5) business days from receipt of the letter to appeal to VTA. If no appeal is received, the complaint will be closed. Appeals may also be made to the **Federal Transit Administration**, the **Equal Employment Opportunity Commission**, or the **Department of Fair Employment and Housing**.

All written complaints received by the ADA Coordinator or her designee, appeals to the Federal Transit Administration, the Equal Employment Opportunity Commission, or the Department of Fair Employment and Housing, and responses from these offices will be retained by VTA for at least one year.

Americans with Disabilities Act Complaint Form

Santa Clara Valley Transportation Authority (VTA)

VTA is committed to ensuring that no person is denied access to its services, programs, or activities on the basis of their disabilities, as provided by title II of the Americans with Disabilities Act of 1990 (“ADA”). ADA complaints must be filed within 180 days from the date of the alleged incident.

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, or if you would like to make a verbal complaint, please contact the ADA Coordinator by calling (408) 321-2300. The completed form must be returned to the ADA Coordinator, 3331 North First Street, Building B-1, San Jose, CA 95134.

Complainant:
Phone:
Alt: Phone
Street Address:
City, State, Zip Code
Person Preparing Complaint (if different from Complainant):
Street Address, City, State, Zip Code

Date of Incident: _____

Please describe the alleged discriminatory incident, including the location(s), if applicable. Provide the names and titles of VTA employees involved, if available.

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Description of incident continued:

Have you filed a complaint with any other federal, state, or local agencies? Yes/No (Circle One).
If so, list agency/agencies and contact information below:

Agency	Contact Name
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Street Address, City, State, Zip Code	Phone
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Agency	Contact Name
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Street Address, City, State, Zip Code	Phone
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I affirm that I have read the above charge and that it is true to the best of my knowledge, information, and belief.

Complainant's Signature	Date
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Print or Type Name of Complainant

Date Received: _____
Received By: _____