

## General Nondiscrimination

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	Yes/ NO	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
1	<p>Do policies, practices and procedures provide an equal opportunity for people with disabilities to participate in services, programs and activities; that is, do policies not discriminate against people on the basis of disability? Please provide policy numbers and copies of these policies, practices, and procedures to identify if any policy modifications need to be implemented.</p>	<p><b>§35.130 (a)</b> <i>(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.</i></p>	Clerk of the Board	Lisa Mobley	Yes	Policies provided by HR	<p>All departments are aware of RCTC's HR policies addressing nondiscrimination per ADA requirements within the PPPM.</p> <p>Staff rely on contract language and procurement policies for each contract to ensure compliance to ADA requirements for contracted services.</p> <p>The current contract language provided for review does not specifically mention compliance with the ADA even as it requires consultants and contractors to comply with all Laws and Regulations.</p>	<p>RCTC should review the uniform contract language for contracting services (consultants and construction contracts) to ensure that it is worded in a nondiscriminatory manner, holding vendors/contractors/ consultants to State and Federal disability civil rights mandates that RCTC is subject to under law, specifically including compliance to the ADA set forth under 28 CFR 35.</p>
			External Affairs - Public Affairs	David Knudsen	Yes	www.rctc.org/about		
						Link includes our ADA policy and grievance procedure and our Title VI policy and complaint process. Documents are provided in English and in Spanish		
			Regional Conservation Agency	Aaron Hake	Yes	Public meetings and public records: RCA adheres to the practices and procedures of RCTC in administering public meetings and public records. They are managed by the same staff. If the Clerk of the Board's operations are ADA compliant for RCTC then they are therefore compliant for RCA.		
			RCA Reserve Management / Monitoring Manager	Tricia Campbell	Yes	In terms of working at the RCTC/RCA, I do not see anything that would discriminate against someone with a disability. We manage natural lands and any trails that are present at the time we acquire the land remain, but they are not regional or recognized trails and they are not advertised as recreational opportunities. They may or may not be ADA compliant. Our mandate is that we can keep any existing "trails" but we are not allowed as a Permittee of the MSHCP to upgrade trails.		
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	Yes	As an oversight agency, our primary role is in regional programs is to provide funding to local agencies. RCTC services that have a direct interface with the public include Toll, FSP, and Vanpool. Other activities may include public and community meetings.		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes			
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	Yes	Posted on web but will attach. <a href="https://www.rctc.org/wp-content/uploads/2018/05/RCTC-ADA_Section-504-Notice-and-Complaint-Procedure-c2_2018.05-w_BBK-Revisions-c2.pdf">https://www.rctc.org/wp-content/uploads/2018/05/RCTC-ADA_Section-504-Notice-and-Complaint-Procedure-c2_2018.05-w_BBK-Revisions-c2.pdf</a>		
			Finance and Accounting	Michele Cisneros	Yes	To best of my knowledge. See section 1.4 of the RCTC Personnel Policies & Procedures Manual		
			Finance Administration	Matt Wallace	Yes	See RCTC Personnel Policies and Procedures Manual Section 1.4.3.1 Non-Discrimination.		
			Procurement	Jose Mendoza	Yes	Each procurement and contract includes language that RCTC does not discriminate against, or provide preferential treatment to any individual or group on the basis of race, color, ethnicity, age over 40, religion, gender, national origin, ancestry, physical disability including AIDS, mental condition, cancer-related medical condition, political affiliation, sexual orientation, or marital status in its contracting activities.		
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	Yes	In our construction projects ADA is a contract requirement		
Capital Projects- Right of Way	Hector Casillas	Yes						
Capital Projects- Facilities Management	Gary Ratliff	Yes	Contract language					
Toll Programs and Operations	Jennifer Crosson	n/a	Rely on RCTC procurement to ensure requirements are included in contracts.					

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2	Are there circumstances in which the participation of a person with a disability would be excluded or restricted?	<p><b>§35.130 (b) 1 (i)(ii)(iii)</b> <b>(b)</b> <i>(1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—</i> <i>(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;</i> <i>(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;</i> <i>(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;</i> <i>(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;</i> <i>(v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;</i> <i>(vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;</i> <i>(vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.</i></p>	<p>Clerk of the Board External Affairs - Public Affairs Regional Conservation Agency RCA Reserve Management/ Monitoring Manager Multimodal Services -Transit and Rail Management External Affairs - Commuter and Motor Assistance Planning and Programming HR and Administration Finance and Accounting Finance Administration Procurement Capital Projects- Design Capital Projects- Construction Capital Projects- Right of Way Capital Projects- Facilities Management Toll Programs and Operations</p>	<p>Lisa Mobley David Knudsen Aaron Hake Tricia Campbell Lorelle Moe Luna Brian Cunanan Jillian Guizado Pamela Velez Michele Cisneros Matt Wallace Jose Mendoza David Lewis Bryce Johnston Hector Casillas Gary Ratliff Jennifer Crosson</p>	<p>No No No No not sure No No No No No No No Yes No No n/a</p>	<p>Not that I am aware of See response to #1 No. We do not have planned activities with the public. Any field visits made to our lands for project review, we would be sure to accommodate the person. Activities such as public meetings will always be located in an ADA accessible site. Check with Vanpool regarding vehicle accessibility for ADA. I am unaware of any exclusions or restrictions. A little complicated as some field construction positions require driving vehicles and exposure to live traffic – one example. Do not know</p>	<p>RCTC services that have direct interface with the public include Toll, Freeway Service Patrol (FSP), and Vanpool. RCTC contractually requires the contractors and approved vendors to comply with ADA requirements. All RCTC Van Club approved vanpool vendors have accessible vehicles available for vanpool groups that comply with the Americans with Disabilities Act (ADA). On construction sites, there are exclusions/ restrictions cited for field construction positions with regard to safety.</p>	<p>It is recommended that RCTC's legal counsel review job descriptions for construction field positions prior to posting them to ensure ADA compliance and to confirm that the exclusions or restrictions are necessary to the operation of the program or to the safety of other participants</p>
3	If Yes, are the exclusions or restrictions necessary to the operation of the program or to the safety of other participants?	<p><b>§35.130 (h)</b> <i>h) A public entity may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the public entity must ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.</i></p>	<p>Clerk of the Board External Affairs - Public Affairs Regional Conservation Agency RCA Reserve Management/ Monitoring Manager Multimodal Services -Transit and Rail Management External Affairs - Commuter and Motor Assistance Planning and Programming HR and Administration Finance and Accounting Finance Administration Procurement Capital Projects- Design Capital Projects- Construction Capital Projects- Right of Way Capital Projects- Facilities Management Toll Programs and Operations</p>	<p>Lisa Mobley David Knudsen Aaron Hake Tricia Campbell Lorelle Moe Luna Brian Cunanan Jillian Guizado Pamela Velez Michele Cisneros Matt Wallace Jose Mendoza David Lewis Bryce Johnston Hector Casillas Gary Ratliff Jennifer Crosson</p>	<p>No n/a n/a No n/a n/a n/a n/a n/a n/a n/a n/a Yes n/a n/a n/a</p>	<p>Not that I am aware of Depends on above.</p>	<p>On construction sites, driving and exposure to live traffic is cited as an example of restriction imposed on persons having a disability. Based on a review of documents provided, RCTC's Model Contract-Request for Qualification -Consultant Contracts document (Appendix C1), does not specifically mention compliance with the ADA although it requires consultants and contractors to comply with all Laws and Regulations. Bid and Contracts Documents – Construction Contracts (Appendix C2) requires contractors to certify that they do not violate federal laws or Executive Orders relating to employment discrimination and, Bid and Contract Documents- Federal projects (Appendix C3) includes ADA compliance as a contract provision</p>	<p>Same as item 2 above.</p>

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4	Are there separate services, programs or activities for people with disabilities or a class of people with disabilities?	<p><b>§35.130 (b) 2</b>  <i>(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities</i></p>	Clerk of the Board	Lisa Mobley	No	Not that I am aware of	Separate services, programs, and activities are only provided to include designated ADA parking at all locations, emergency call boxes that are accessible, funding for specialized transit, mobility options to enhance quality of life, and special account type for persons with disabled plates to receive toll discounts. The goal of these programs is the equal participation of individuals with disabilities in the "mainstream" of American society.	Same as item 2 above.
			External Affairs - Public Affairs	David Knudsen	No			
			Regional Conservation Agency	Aaron Hake	No			
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	No			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	No			
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	There are specific ADA spaces within Park & Ride facilities leased by RCTC. Additionally, there are text telephone/telecommunication device capabilities available at all emergency highway call boxes.		
			Planning and Programming	Jillian Guizado	No			
			HR and Administration	Pamela Velez	No	Not that I am aware		
			Finance and Accounting	Michele Cisneros	Yes	RCTC is a funding agency and provides sales tax and other funding to public & specialized transit operators to provide mobility options to meet senior, persons with disabilities, and persons of limited means to enhance quality of life.		
			Finance Administration	Matt Wallace	No	I am not aware of any separate services, programs or activities for people with disabilities at RCTC.		
			Procurement	Jose Mendoza	No			
			Capital Projects- Design	David Lewis	No			
			Capital Projects- Construction	Bryce Johnston	Yes	Contractors and consultants do have potential for positions that are not field related.		
			Capital Projects- Right of Way	Hector Casillas	No			
Capital Projects- Facilities Management	Gary Ratliff	No						
Toll Programs and Operations	Jennifer Crosson	Yes	91 Express Lanes has a special account type for persons with disabled plates to receive toll discounts.					
<b>Contracting with External Organizations</b>								
5	Do all employees who contract with outside agencies, organizations or businesses know that the public entity's ADA obligations apply whether the public entity provides the service, program or activity directly or contracts for it?	<p><b>§35.130 (b)3</b>  <i>A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration—</i>  <i>(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;</i>  <i>(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or</i>  <i>(iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.</i></p>	Clerk of the Board	Lisa Mobley	Unknown	Unknown if all employees are aware of this	Some of RCTC's staff are aware of this ADA requirement and some are not. The Procurement Policy Manual does not specifically address this as a title II requirement but Chapter 2-10 A of the manual requires that "All formal contracts entered into by the Agency should contain appropriate clauses prohibiting discrimination by the contractor against any person or group of persons on account of race, color, religion, creed, national origin, ancestry, physical handicap, medical condition, age, marital status, sex or sexual orientation in the performance of the contract	RCTC should update contract provisions and specifications to ensure that contractors will provide the services, programs, and activities in a nondiscriminatory manner consistent with the Title II requirements, Provide guidance to staff involved in the purchasing process to ensure that public funds are not being used to create barriers to access. For example, when purchasing new equipment or furniture, RCTC should ensure that people with disabilities will receive the same level of service or the same opportunities as those without disabilities. RCTC should require accessibility reviews of designs for new construction or renovation projects for compliance to ADA Standards
			External Affairs - Public Affairs	David Knudsen	n/a	Not sure this applies to us.		
			Regional Conservation Agency	Aaron Hake	Not sure	I do not know if there is awareness of this requirement. RCA has few contracts, and those consultants do not provide services directly to the public.		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	n/a			
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	Commuter/Motorist Assistance Dept. employees are aware of this.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	Yes	RCTC's agreements include a 'Laws and Regulations' and an 'Equal Opportunity Employment' clause.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	Yes	This is handled by procurement office of our agency.		
			Capital Projects- Right of Way	Hector Casillas	Yes			
Capital Projects- Facilities Management	Gary Ratliff	Yes						
Toll Programs and Operations	Jennifer Crosson	n/a	Do not know					



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8	Are there procedures to ensure that contractors provide the services, programs and activities in a nondiscriminatory manner consistent with the Title II requirements?	Best Practice	Clerk of the Board	Lisa Mobley	Unknown	Unknown	See item 5 above	See item 6 above
			External Affairs - Public Affairs	David Knudsen	Yes	ADA compliance is a standard procurement and contract requirement.		
			Regional Conservation Agency	Aaron Hake	not sure	I do not know what this is. However, as stated above, RCA follows all RCTC procurement practices, which I presume and expect to be ADA compliant.		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	No	I don't think so		
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	Yes			
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	ADA compliance is a standard procurement and contract requirement.		
			Planning and Programming	Jillian Guizado	No	Planning & Programming dept doesn't deal with these contractors.		
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	n/a	I'm not familiar with such procedures.		
			Finance Administration	Matt Wallace	Yes	RCTC's agreements include a 'Laws and Regulations' and an 'Equal Opportunity Employment' clause.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	Not sure	Ask Procurement		
			Capital Projects- Right of Way	Hector Casillas	No			
Capital Projects- Facilities Management	Gary Ratliff	Yes						
Toll Programs and Operations	Jennifer Crosson	Yes						
9	Are employees and officials aware that the public entity is obligated to make a reasonable modification in policies, practices, or procedures if the modification is necessary for a person with a disability to participate?	<b>§35.130 (b)(7)</b> <i>(i) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.</i>	Clerk of the Board	Lisa Mobley	Yes	This information is posted on our website and also on our meeting agendas	RCTC departments dealing with public are generally aware of this requirement to provide reasonable accommodations and contact information is provided on meeting agendas for public meetings and on notices for public hearings, to request reasonable accommodations at least 72 hours before the meeting.	It is recommended that, a. Staff in all departments should be provided with the ADA Nondiscrimination Notice that is posted on the RCTC website. <a href="https://www.rctc.org/wp-content/uploads/2018/05/RCTC-ADA_Section-504-Notice-and-Complaint-Procedure-c2_2018.05-w_BBK-Revisions-c2.pdf">https://www.rctc.org/wp-content/uploads/2018/05/RCTC-ADA_Section-504-Notice-and-Complaint-Procedure-c2_2018.05-w_BBK-Revisions-c2.pdf</a>
			External Affairs - Public Affairs	David Knudsen	Yes	Notices for public hearings and public meetings provide contact information to request reasonable modifications 72 hours before the meeting.		
9	Are employees and officials aware that the public entity is obligated to make a reasonable modification in policies, practices, or procedures if the modification is necessary for a person with a disability to participate?	<b>§35.130 (b)(7)</b> <i>(i) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.</i>	Regional Conservation Agency	Aaron Hake	No	In my 6.5 months of management of the RCA, I have not seen such a notice provided to new RCTC employees assigned to RCA functions. There has been no specific communication on this matter.	There appears to be no policy for providing written statements of reasons for reaching a conclusion that a reasonable accommodation might result in undue financial or administrative burden in providing reasonable accommodations.	b. RCTC should establish internal processes for documenting reasonable modification requests and determine the person/s responsible for deciding which request would fundamentally alter the nature of the good, services, facilities, privileges, or accommodations.
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	Yes	There is an ADA clause on the agenda of Brown Act meetings.		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	Commuter/Motorist Assistance Dept. employees are aware of this obligation.		
			Planning and Programming	Jillian Guizado	Yes	Don't have documentation of this, just culturally known.		

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			HR and Administration	Pamela Velez	Yes	Posted on web but will attach. <a href="https://www.rctc.org/wp-content/uploads/2018/05/RCTC-ADA_Section-504-Notice-and-Complaint-Procedure-c2_2018.05-w_BBK-Revisions-c2.pdf">https://www.rctc.org/wp-content/uploads/2018/05/RCTC-ADA_Section-504-Notice-and-Complaint-Procedure-c2_2018.05-w_BBK-Revisions-c2.pdf</a>		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge. I am not familiar with a policy addressing policy modification requests and determination of undue burden.		
			Finance Administration	Matt Wallace	Yes	I am aware; however, I cannot speak to the awareness of other employees and/or officials.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	Yes			
			Capital Projects- Right of Way	Hector Casillas	Yes			
			Capital Projects- Facilities Management	Gary Ratliff	Yes			
			Toll Programs and Operations	Jennifer Crosson	No	Unaware		
	<b>Service Animals</b>							
10	Are employees and officials aware that: a. The public entity must allow service animals to accompany people with disabilities in all areas where people without service animals are allowed to go?	<p><b>§ 35.136 Service animals</b> (a) General. Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability</p> <p>(g) Access to areas of a public entity. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.</p>	Clerk of the Board	Lisa Mobley	Unknown	Unknown	RCTC's written policies do not specifically address service animals. Some departments are unaware or unsure of the requirements described in questions related to service animals	RCTC should provide ADA regulations that address service animals to all staff in all departments
			External Affairs - Public Affairs	David Knudsen	n/a			
			Regional Conservation Agency	Aaron Hake	No	While there has been no specific communication on this matter, I observe that our employees would follow this requirement without knowledge that it is a requirement.		
			RCA Reserve Mgmt/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	Yes	I think employees are generally aware but formal training on the specifics such as those questions listed in this section ADA has not been conducted.		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	Commuter/Motorist Assistance Dept. employees are aware of this.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	Yes	I am aware.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	n/a			
			Capital Projects- Right of Way	Hector Casillas	Yes			
			Capital Projects- Facilities Management	Gary Ratliff	Yes			
Toll Programs and Operations	Jennifer Crosson	Yes						
10	Are employees and officials aware that: b. Only two questions may be asked: (1) Is the dog a service animal required because of a disability? and (2) What work or task has the dog been trained to perform?	<p><b>§ 35.136</b> (f) Inquiries. A public entity shall not ask about the nature or extent of a person's disability, but may <b>make two inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.</b> A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).</p>	Clerk of the Board	Lisa Mobley	Yes	Unknown	Same as item 10a above	<p>Staff involved in dealing with the public should be provided comprehensive training regarding ADA title II requirements addressing wheelchairs, service animals, provision of space and relief areas for service animals in public meetings/events. ADA training and training resources are available online at this link <a href="#">ADA Training   ADA National Network (adata.org)</a></p> <p>It is recommended that guidance for handling service animals in emergency situations and evacuation of service animals should also be developed.</p>
			External Affairs - Public Affairs	David Knudsen	n/a			
			Regional Conservation Agency	Aaron Hake	No	This has not been formally communicated. I was not aware.		
			RCA Reserve Mgmt/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail	Lorelle Moe Luna	No			
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	No	I was not aware of this.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	No	I was unaware that only these two questions may be asked.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	n/a			
			Capital Projects- Right of Way	Hector Casillas	No			
			Capital Projects- Facilities Management	Gary Ratliff	Yes			
Toll Programs and Operations	Jennifer Crosson	No	Unaware					

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10	Are employees and officials aware that: c. The public entity may not ask about a person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task?	§ 35.136(f) (f) Inquiries. A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).	Clerk of the Board	Lisa Mobley	Unknown	Unknown	Same as item 10a above	Same as item 10b above
			External Affairs - Public Affairs	David Knudsen	n/a			
			Regional Conservation Agency	Aaron Hake	No	This has not been formally communicated. I was not aware.		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	No			
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	Commuter/Motorist Assistance Dept. employees are aware of this.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	No	I would not ask about a person's disability. I am not aware that the public entity may not require the other items included in the question.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	n/a			
			Capital Projects- Right of Way	Hector Casillas	No			
			Capital Projects- Facilities Management	Gary Ratliff				
Toll Programs and Operations	Jennifer Crosson	Yes						
10	Are employees and officials aware that: d. A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken and, in these circumstances employees must offer the person with the disability the opportunity to obtain goods or services without the animal's presence?	§ 35.136(b) (b) Exceptions. A public entity may ask an individual with a disability to remove a service animal from the premises if— (1) The animal is out of control and the animal's handler does not take effective action to control it; or (2) The animal is not housebroken  (c) If an animal is properly excluded. If a public entity properly excludes a service animal under § 35.136(b), it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises	Clerk of the Board	Lisa Mobley	Unknown	Unknown	Same as item 10a above	Same as item 10b above
			External Affairs - Public Affairs	David Knudsen	n/a			
			Regional Conservation Agency	Aaron Hake	No	This has not been formally communicated. I was not aware.		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	No			
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	I was unaware of the two exceptions.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	Yes	I'm unaware if other employees know this requirement.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	n/a			
			Capital Projects- Right of Way	Hector Casillas	No			
			Capital Projects- Facilities Management	Gary Ratliff	Yes			
Toll Programs and Operations	Jennifer Crosson	Yes						
10	Are employees and officials aware that: e. The public entity must permit a miniature horse to accompany a person with a disability where reasonable? Assessment factors include, the size and weight, whether the horse is housebroken, and whether its presence compromises safety requirements.	§ 35.136(b) (i) Miniature horses. (1) Reasonable modifications. A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. (2) Assessment factors. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider— (i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features; (ii) Whether the handler has sufficient control of the miniature horse; (iii) Whether the miniature horse is housebroken; and (iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.	Clerk of the Board	Lisa Mobley	Unknown	Unknown	Same as item 10a above	Same as item 10b above
			External Affairs - Public Affairs	David Knudsen	n/a			
			Regional Conservation Agency	Aaron Hake	No	This has not been formally communicated. I was not aware.		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	Unknown			
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	Commuter/Motorist Assistance Dept. employees are aware of this.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	Yes	I'm unaware if other employees know this requirement.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	n/a			
			Capital Projects- Right of Way	Hector Casillas	No			
			Capital Projects- Facilities Management	Gary Ratliff	Yes			
Toll Programs and Operations	Jennifer Crosson	No	Not aware					

## General Nondiscrimination

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	Yes/ NO	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
	<b>Wheelchairs and Other Power-Driven Mobility Devices</b>							
	11. Are employees and officials aware that:							
11	a. People with mobility disabilities may use wheelchairs, scooters and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use?	<p><b>§ 35.137 Mobility devices.</b>  <i>(a) Use of wheelchairs and manually-powered mobility aids. A public entity shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.</i></p>	Clerk of the Board	Lisa Mobley	Unknown	Unknown	RCTC departments are generally aware but RCTC's PPPM and other policies do not specifically address wheelchairs and other power-driven mobility devices, and these requirements have not been formally communicated to departments	RCTC provide ADA regulations regarding power driven mobility devices to all staff in all departments
			External Affairs - Public Affairs	David Knudsen	Yes			
			Regional Conservation Agency	Aaron Hake	No	This has not been formally communicated. I was not aware.		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	No	Similar to above. I think my dept is generally aware. We work with the senior/disabled population more than others and have encountered times when the public need to attend meetings in our facilities with such devices.		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	Commuter/Motorist Assistance Dept. employees are aware of this.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	Yes			
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	Yes			
			Capital Projects- Right of Way	Hector Casillas	Yes			
Capital Projects- Facilities Management	Gary Ratliff	Yes						
Toll Programs and Operations	Jennifer Crosson	Yes						
11	b. People with mobility disabilities may use other power-driven mobility device in any areas open to pedestrian use unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements? Other power-driven mobility device means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices, such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of Title II. Some of the factors that go into determining “legitimate safety requirements” include: size and speed of the device, the facility's design and characteristics (outdoor, indoor), and risk of harm to the immediate environment.	<p><b>§ 35.137 (b)</b>  <i>(1) Use of other power-driven mobility devices. A public entity shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).</i>  <i>(2) Assessment factors. In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification under paragraph (b)(1) of this section, a public entity shall consider—</i>  <i>(i) The type, size, weight, dimensions, and speed of the device;</i>  <i>(ii) The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);</i>  <i>(iii) The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);</i>  <i>(iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and</i>  <i>(v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations</i></p>	Clerk of the Board	Lisa Mobley	Unknown	Unknown	Same as Item 11a above	Same as Item 11a above
			External Affairs - Public Affairs	David Knudsen	Yes			
			Regional Conservation Agency	Aaron Hake	No	This has not been formally communicated. I was not aware.		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	No			
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	Commuter/Motorist Assistance Dept. employees are aware of this.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	Yes			
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	Yes			
			Capital Projects- Right of Way	Hector Casillas	Yes			
Capital Projects- Facilities Management	Gary Ratliff	Yes						
Toll Programs and Operations	Jennifer Crosson	Yes						



## General Nondiscrimination

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	Yes/ NO	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
11	c. They may not ask about the nature and extent of the individual's disability, but may ask an individual to provide a credible assurance that the mobility device is required because of the person's disability? Credible assurance includes a state-issued, disability parking placard or card, or other state-issued proof of disability or a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability.	§ 35.137 (c) (1) Inquiry about disability. A public entity shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. (2) Inquiry into use of other power-driven mobility device. A public entity may ask a person using an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person's disability. A public entity that permits the use of an other power-driven mobility device by an individual with a mobility disability shall accept the presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the other power-driven mobility device is for the individual's mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a public entity shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards.	Clerk of the Board	Lisa Mobley	Unknown	Unknown	Same as Item 11a above	Same as Item 11a above
			External Affairs - Public Affairs	David Knudsen	Yes			
			Regional Conservation Agency	Aaron Hake	No	This has not been formally communicated. I was not aware.		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell				
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	No	Something specific like this has never come up while I've been at RCTC.		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	No	I was aware of the first part of the statement, but not the second.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	Yes	I'm unaware if other employees know this requirement.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	Yes			
			Capital Projects- Right of Way	Hector Casillas	Yes			
Capital Projects- Facilities Management	Gary Ratliff	Yes						
Toll Programs and Operations	Jennifer Crosson	Yes						
<b>Surcharges and Costs -</b>								
12	Are employees and officials aware that the public entity may not place a surcharge on people with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide nondiscriminatory treatment?	§ 35.130 (7) (f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.	Clerk of the Board	Lisa Mobley	Unknown	Unknown	RCTC departments are generally aware of this requirement due to it being posted on board agendas but RCTC's personnel policies and procedures manual does not specifically address this requirement, and these requirements have not been formally communicated to all the departments	It is recommended that, a. Staff in all departments should be provided with the ADA Nondiscrimination Notice that is posted on the RCTC website. <a href="https://www.rctc.org/wp-content/uploads/2018/05/RCTC-ADA_Section-504-Notice-and-Complaint-Procedure-c2_2018.05-w_BBK-Revisions-c2.pdf">https://www.rctc.org/wp-content/uploads/2018/05/RCTC-ADA_Section-504-Notice-and-Complaint-Procedure-c2_2018.05-w_BBK-Revisions-c2.pdf</a>
			External Affairs - Public Affairs	David Knudsen	n/a			
			Regional Conservation Agency	Aaron Hake	no	This has not been formally communicated. I was not aware.		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	Yes	It is posted on board agendas and in our policy. But I am not sure how many of the staff who encounter the public		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes	Commuter/Motorist Assistance Dept. employees are aware.		
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge.		
			Finance Administration	Matt Wallace	Yes	I am aware. Unaware if other employees are aware of this requirement.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	n/a			
			Capital Projects- Right of Way	Hector Casillas	Yes			
Capital Projects- Facilities Management	Gary Ratliff	Yes						
Toll Programs and Operations	Jennifer Crosson	Yes						
<b>Ticketing</b>								
13	Are tickets for accessible seats sold during the same hours, through the same methods of purchase (by telephone, on site, through a website, or through third-party vendors); and during the same stages of sales (pre-sales, promotions, general sales, wait lists, or lotteries) as non-accessible seats?	§ 35.138 Ticketing (a) (1) For the purposes of this section, "accessible seating" is defined as wheelchair spaces and companion seats that comply with sections 221 and 802 of the 2010 Standards along with any other seats required to be offered for sale to the individual with a disability pursuant to paragraph (d) of this section. (2) Ticket sales. A public entity that sells tickets for a single event or series of events shall modify its policies, practices, or procedures to ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating— (i) During the same hours; (ii) During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait-lists, and general sales; (iii) Through the same methods of distribution; (iv) In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and (v) Under the same terms and conditions as other tickets sold for the same event or series of events.	Clerk of the Board	Lisa Mobley	Unknown	Unknown	It is evident that questions related to ticketing do not apply to RCTC' programs, services, and activities because RCTC does not directly sell tickets for any events.	RCTC should consider reserving accessible seats in the front at future ribbon cutting and other public events
			External Affairs - Public Affairs	David Knudsen	n/a			
			Regional Conservation Agency	Aaron Hake	n/a			
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	n/a			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	n/a	We might want to consider that when we have ribbon cutting events in the future to reserve seats in the front for ADA		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	n/a			
			Planning and Programming	Jillian Guizado	Yes			
			HR and Administration	Pamela Velez	n/a	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	n/a	N/A – RCTC does not interact, disburse, or monitor ticketing.		
			Finance Administration	Matt Wallace	n/a			
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	n/a			
			Capital Projects- Right of Way	Hector Casillas	Yes			
Capital Projects- Facilities Management	Gary Ratliff	n/a						
Toll Programs and Operations	Jennifer Crosson	n/a						









## General Nondiscrimination

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	Yes/ NO	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
			Capital Projects- Facilities Management	Gary Ratliff	Yes			
			Toll Programs and Operations	Jennifer Crosson	Yes			
24	Is there a notice on all public meeting announcements that auxiliary aids and services are made available as needed for participants with disabilities?	<p><b>§ 35.160</b> (b) (1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.</p> <p>(2) The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. <b>In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability</b></p>	Clerk of the Board	Lisa Mobley	Yes		Same as item 22 above	Same as item 22 above
			External Affairs - Public Affairs	David Knudsen	No	Not issued by External Affairs		
			Regional Conservation Agency	Aaron Hake	Yes	See answer to #1		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	No	For MM meetings, I don't believe we have provided this notice.		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Yes			
			Planning and Programming	Jillian Guizado	Yes	Our wording is not this explicit.		
			HR and Administration	Pamela Velez	Not sure	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge		
			Finance Administration	Matt Wallace	Yes			
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	No	Not sure how we would address hearing impaired or other potential disabilities. We can handle access.		
			Capital Projects- Right of Way	Hector Casillas	Yes			
			Capital Projects- Facilities Management	Gary Ratliff	Yes			
Toll Programs and Operations	Jennifer Crosson	Not sure						
25	Is there a policy in place regarding maintenance of accessible features?	<p><b>§ 35.133 Maintenance of Accessible Features</b> (a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part</p>	Clerk of the Board	Lisa Mobley	No	If you are referring to the maintenance of auxiliary aides, those are maintained by RCIT as we use their boardroom.	Same as item 22 above	Adopt procedures to ensure maintenance of accessible routes leading to the accessible venues for public meetings.
			External Affairs - Public Affairs	David Knudsen	n/a			
			Regional Conservation Agency	Aaron Hake	Not Sure	I do not know		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	n/a			
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	No	Not that I'm aware of. Maybe a John question?		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	Not Sure			
			Planning and Programming	Jillian Guizado	Not Sure			
			HR and Administration	Pamela Velez	Not sure	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	Not sure	I'm not aware of such policy		
			Finance Administration	Matt Wallace	Not sure	I'm unaware of such a policy.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	No	Most of field offices are rented office space maintained by landlord.		
			Capital Projects- Right of Way	Hector Casillas	No			
			Capital Projects- Facilities Management	Gary Ratliff	No			
Toll Programs and Operations	Jennifer Crosson	Not sure						
26	Who provides auxiliary aids and services to people seeking accommodation under Title II?	<p><b>§ 35.160 Subpart E Communications-General</b> (b) (1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.</p>	Clerk of the Board	Lisa Mobley		RCIT if in the boardroom	Same as item 22 above	Same as item 22 above
			External Affairs - Public Affairs	David Knudsen	Not sure			
			Regional Conservation Agency	Aaron Hake	Not Sure	I do not know		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Not sure	I am not certain but I would think it would be Kristin Davis.		
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna		The Clerk of Board since the notice is on the agenda.		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	n/a	Clerk of Board and Public Affairs		
			Planning and Programming	Jillian Guizado	n/a	Clerk of Board		
			HR and Administration	Pamela Velez	Not sure	Unknown/ Not applicable.		
			Finance and Accounting	Michele Cisneros	n/a	I'm not aware of who is responsible		
			Finance Administration	Matt Wallace		RCTC has a consultant that can be used to provide these services.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	Not sure	I do not know		
			Capital Projects- Right of Way	Hector Casillas	No			
			Capital Projects- Facilities Management	Gary Ratliff	Yes			
Toll Programs and Operations	Jennifer Crosson	Not sure						

## General Nondiscrimination

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	Yes/ NO	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
27	Are RCTC Staff who have public contact trained or provided guidance regarding ADA requirements for full participation of individuals with disabilities including "disability" awareness, interactions with people with disabilities, disability civil rights laws, and disability etiquette?	Best Practice	Clerk of the Board	Lisa Mobley	Yes	Staff is provided guidance, there is no formal training.	RCTC employees are generally aware and sensitive to disability issues of their own accord but they have not yet received formal training regarding disability awareness and first person contact.	Staff having public contact should be trained in "disability" awareness, interactions with people with disabilities, disability civil rights laws, and disability etiquette. A free, self-paced web course for discovering the best practices for effectively working and interacting with people who have disabilities is found at this link: <a href="https://adata.org/project/your-service-welcoming-customers-disabilities-your-one-stop-center">https://adata.org/project/your-service-welcoming-customers-disabilities-your-one-stop-center</a>
			External Affairs - Public Affairs	David Knudsen	No			
			Regional Conservation Agency	Aaron Hake	Not Sure	I do not know		
			RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Yes	We went through training in 2020. It was through the County of Riverside.		
			Multimodal Services -Transit and Rail Management	Lorelle Moe Luna	No	Not that I am aware of		
			External Affairs - Commuter and Motor Assistance	Brian Cunanan	No	Commuter/Motorist Assistance Dept. generally does not have public contact and has not participated in any form of ADA requirements training.		
			Planning and Programming	Jillian Guizado	No			
			HR and Administration	Pamela Velez	No			
			Finance and Accounting	Michele Cisneros	Yes	To the best of my knowledge. However, for myself I do not have public contact.		
			Finance Administration	Matt Wallace	Yes	I believe our Public Affairs department is trained in this area.		
			Procurement	Jose Mendoza	n/a			
			Capital Projects- Design	David Lewis	Yes			
			Capital Projects- Construction	Bryce Johnston	No	Not that I am aware of.		
			Capital Projects- Right of Way	Hector Casillas	Yes			
			Capital Projects- Facilities Management	Gary Ratliff	Yes			
Toll Programs and Operations	Jennifer Crosson	Not sure						
28	By what means is training provided to RCTC Staff who have public contact regarding ADA requirements for full participation of individuals with disabilities including "disability" awareness, interactions with people with disabilities, disability civil rights laws, and disability etiquette?	Best Practice	Clerk of the Board	Lisa Mobley		There is no training. Guidance is provided in the way of an overview of aids and services provided to the public.	Same as item 27 above	Same as item 27 above
	External Affairs - Public Affairs	David Knudsen		External Affairs - Public Affairs staff should be provided with ADA training				
	Regional Conservation Agency	Aaron Hake	Not Sure	I do not know				
	RCA Reserve Management/ Monitoring Manager	Tricia Campbell	Not Sure	Now coming to RCTC, I do not know the training that is available.				
	Multimodal Services -Transit and Rail Management	Lorelle Moe Luna		My staff and I haven't been provided training since I have been here (7 years)				
	External Affairs - Commuter and Motor Assistance	Brian Cunanan	n/a	Commuter/Motorist Assistance Dept. generally does not have public contact and has not participated in any form of ADA requirements training.				
	Planning and Programming	Jillian Guizado		Common knowledge				
	HR and Administration	Pamela Velez		No training has been provided that I know of.				
	Finance and Accounting	Michele Cisneros	n/a	I do not have public contact and have not received such training. I'm not knowledgeable on those that do have public contact, what training is provided.				
	Procurement	Jose Mendoza	n/a					
	Finance Administration	Matt Wallace	n/a					
	Capital Projects- Design	David Lewis		Staff Training exercises.				
	Capital Projects- Construction	Bryce Johnston	n/a	Not that I am aware of.				
	Capital Projects- Right of Way	Hector Casillas		Policy Guidelines				
	Capital Projects- Facilities Management	Gary Ratliff	HR					
Toll Programs and Operations	Jennifer Crosson	Not sure						

## General Nondiscrimination

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	Yes/ NO	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
29	Are maintenance staff and other staff trained to identify access and safety issues?	<p><b>§ 35.133 Maintenance of Accessible Features</b>  <i>(a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part</i></p>	Capital Projects- Facilities Management	Gary Ratliff	Yes		<p>Written emergency evacuation procedures for stations or other facilities were not available for review at the time of this evaluation. 'Evacuation Map' and 'Safety Team Listing- Evacuation Team Responsibilities' were provided for the 3rd floor of RCTC's Lemon Street office. There appears to be no universal written emergency management plan and the documents provided do not specifically include evacuation of individuals with disabilities during an emergency.</p>	<p>a.RCTC develop guidance and special procedures on assisting individuals with disabilities during emergencies and address emergency evacuation of individuals with disabilities covering a variety of emergency situations.                      b.Use the guidance published by the EEOC regarding lawful means of identifying employees who might need assistance during an emergency due to their disability.  <a href="https://www.eeoc.gov/laws/guidance/obtaining-and-using-employee-medical-information-part-emergency-evacuation-procedures">https://www.eeoc.gov/laws/guidance/obtaining-and-using-employee-medical-information-part-emergency-evacuation-procedures</a>.                      c.Use US Department of Justice guidance regarding disaster management.  <a href="https://www.ada.gov/emergencyprep.htm">https://www.ada.gov/emergencyprep.htm</a>                      d.RCTC ADA coordinator should be involved in the emergency plan creation, drills, and debriefings. Update all accessibility policies, procedures, and guidelines to include recommendations made in this report.                      e.If other entities are contracted to provide emergency preparedness or emergency management services, formalize in agreements with those organizations their commitment to compliance with the requirements of Title II of the ADA and information provided at this link.  <a href="https://www.ada.gov/pcatoolkit/chap7emergencygmtadd1.htm">https://www.ada.gov/pcatoolkit/chap7emergencygmtadd1.htm</a></p>
30	Is there a system or plan in place to identify safety and access issues that can be used by maintenance staff to report and correct problems? If yes, please attach the plan.		Capital Projects- Facilities Management	Gary Ratliff	Yes	Station reports from oversight agency Metrolink		
31	How is access monitored during planning and construction of RCTC projects?		Capital Projects- Facilities Management	Gary Ratliff	Don't know			
32	Are any RCTC programs, services or facilities are operated from a registered historic site?	<p><b>§ 35.133 Maintenance of Accessible Features</b>  <i>(a) A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part</i></p>	Clerk of the Board	Lisa Mobley	NO		n/a	n/a
			Capital Projects- Facilities Management	Gary Ratliff	Don't know		n/a	n/a
33	When purchase of new equipment (including but not limited to communication and transportation equipment) is made, how is it reviewed to ensure that equipment is accessible to people with disabilities?	Best Practice	Capital Projects- Facilities Management	Gary Ratliff	Yes	Management approves the purchase	The Procurement Policy Manual does not specifically address this .	When purchasing new equipment or furniture, RCTC should ensure that people with disabilities will receive the same level of service or the same opportunities as those without disabilities.



## General Nondiscrimination

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	Yes/ NO	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
34	6.Does RCTC have an emergency management plan that includes needs of people with disabilities? If yes, please attach the plan. The plan shall include procedures to evacuate individuals with disabilities during an emergency.	<b>§ 35.130(b)(1)</b> <i>(1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability - (i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service; (ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others; (iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others; (iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others; (v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program; (vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; (vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service</i>	Capital Projects- Facilities Management	Gary Ratliff	Yes	HR	Emergency evacuation plans for stations and facilities were not available for review, so it cannot be definitively stated that RCTC's emergency management program is fully accessible to people with disabilities.	See item 29 above.
35	Has RCTC used the guidance published by the EEOC regarding lawful means of identifying employees who might need assistance during an emergency due to their disability?	Best Practice	HR and Administration	Pamela Velez	Not sure	Unsure about this practice.	See item 29 above.	See item 29 above.
36	Are visual and audible warning signals installed in RCTC facilities and buildings to notify all members of the public including individuals with disabilities?	<b>§ 35.130(d)</b> <i>A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities</i>	Capital Projects- Facilities Management	Gary Ratliff	Yes			
37	Has emergency management staff in all facilities been trained regarding variety of events that might occur and impact people with disabilities?	Best Practice	Capital Projects- Facilities Management	Gary Ratliff	Yes			
38	Does RCTC use the US Department of Justice guidance regarding disaster management? This can be located at ADA.gov.	Best Practice	Capital Projects- Facilities Management	Gary Ratliff	Don't know			
39	Is the RCTC ADA coordinator involved in the emergency plan creation, drills, and debriefings?	Best Practice	Capital Projects- Facilities Management	Gary Ratliff	Don't know			
40	Please share all accessibility policies, procedures and guidelines, verbal or written that you have in place. Please attach a copy.						Received.	
41	Do employment practices comply with all applicable nondiscrimination requirements, including section 504 of the Rehabilitation Act and the ADA regulation issued by the Equal Employment Opportunity Commission?	<b>§ 35.140 Employment discrimination prohibited.</b> <i>(a) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity. (b) (1) For purposes of this part, the requirements of title I of the Act, as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of title I. (2) For the purposes of this part, the requirements of section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or activity conducted by a public entity if that public entity is not also subject to the jurisdiction of title I.</i>	HR and Administration	Pamela Velez	Yes		RCTC's employment practices are not deemed discriminatory against people with disabilities.  Interview/selection panel members follow the RCTC Interviewing Guide which addresses disability but does not include details regarding disability awareness and interactions with people having disabilities.	none

## General Nondiscrimination

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	Yes/ NO	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
42	Are the interview/selection panel members trained regarding disability awareness and interactions with people with disabilities?	Best Practice	HR and Administration	Pamela Velez	No	Informally but formally we have an interviewing guide for panel members but does not include details on such topic. Could add if required.	RCTC's employment practices are not deemed discriminatory against people with disabilities.	RCTC Interviewing Guide should be updated to include details regarding disability awareness and interactions with people having disabilities
43	Is reasonable accommodation offered, as needed for people with disabilities during interview/selection?	<p><b>§ 35.130(b)(7)</b></p> <p>(i) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.</p> <p>(ii) A public entity is not required to provide a reasonable modification to an individual who meets the definition of "disability" solely under the "regarded as" prong of the definition of "disability" at § 35.108(a)(1)(iii)</p>	HR and Administration	Pamela Velez	Yes	Yes it would but disclaimer is also posted on our website. <a href="https://www.rctc.org/employment/">https://www.rctc.org/employment/</a>	Interview/selection panel members follow the RCTC Interviewing Guide which addresses disability but does not include details regarding disability awareness and interactions with people having disabilities.	
44	Who provides reasonable accommodations to applicants and employees under ADA Title I and II regulations and CA Government Code 12926? Please include Name, Position, Contact information.	<p><b>§ 35.130(b)(7)</b></p> <p>(i) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.</p> <p>(ii) A public entity is not required to provide a reasonable modification to an individual who meets the definition of "disability" solely under the "regarded as" prong of the definition of "disability" at § 35.108(a)(1)(iii)</p>	HR and Administration	Pamela Velez		I believe myself in HR Pamela Velez Human Resources Administrator along with review/supervision of our EEO office John Standiford.		none
45	Please share all accessibility policies, procedures and guidelines, verbal or written that you have in place. Please attach a copy.		HR and Administration	Pamela Velez		Attached and screenshot of employment page on our website.		n/a

**General Nondiscrimination**

	QUESTIONS	Title II Clause-28 CFR Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services	DEPARTMENT	STAFF LIAISON	Yes/ NO	RESPONSE/ COMMENTS	FINDING	RECOMMENDATION
46	Is there an anti-disability harassment policy? <b>If yes, provide copy of the policy.</b>	<p><b>§ 35.101</b>  <i>(a) Purpose. The purpose of this part is to implement subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as amended by the ADA Amendments Act of 2008 (ADA Amendments Act) (Pub. L. 110-325, 122 Stat. 3553 (2008)), which prohibits discrimination on the basis of disability by public entities.</i></p> <p><i>(b) Broad coverage. The primary purpose of the ADA Amendments Act is to make it easier for people with disabilities to obtain protection under the ADA. Consistent with the ADA Amendments Act's purpose of reinstating a broad scope of protection under the ADA, the definition of "disability" in this part shall be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA. The primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations and whether discrimination has occurred, not whether the individual meets the definition of "disability." The question of whether an individual meets the definition of "disability" under this part should not demand extensive analysis</i></p>	HR and Administration	Pamela Velez	Yes	Page 57 and 58 of attached manual.		none
47	Does RCTC have a policy in place that prohibits discrimination against people who <u>formerly</u> used drugs illegally as opposed to individuals who are currently engaged in illegal use of drugs? <b>If yes, provide copy of the policy.</b>	<p><b>§ 35.131 Illegal use of drugs</b>  <i>(a) General.</i>  <i>(1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.</i>  <i>(2) A public entity shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who—</i>  <i>(i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;</i>  <i>(ii) Is participating in a supervised rehabilitation program; or</i>  <i>(iii) Is erroneously regarded as engaging in such use.</i>  <i>(b) Health and drug rehabilitation services.</i>  <i>(1) A public entity shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.</i>  <i>(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.</i>  <i>(c) Drug testing.</i>  <i>(1) This part does not prohibit a public entity from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.</i>  <i>(2) Nothing in paragraph (c) of this section shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs</i></p>	HR and Administration	Pamela Velez	No	Our policy does not clearly state former use of illegal drugs. Pages 65-68 of attached manual.	The policy does not clearly state nondiscrimination against people involved in former use of illegal drugs.	RCTC should create a policy that prohibits discrimination against former users of drugs that complies with 28 CFR 35.131 (2). <a href="https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-B/section-35.131">https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-B/section-35.131</a>