

Americans with Disabilities Act Self-Evaluation and Transition Plan

Draft – June 2023



Report prepared by:

**Sally Swanson Architects, Inc.
100 Bush Street, Suite 1625
San Francisco, CA 94104**

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Executive Summary

The Santa Clara Valley Open Space Authority (Authority) is developing this Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (Plan) based on the requirements set forth in Title II of the ADA, while incorporating the Authority's agency-wide commitments to Justice, Equity, Diversity, Inclusion, and Accessibility (JEDIA). This Plan was developed with the input of Authority Staff, Board and Committees, accessibility advocates, and members of the public.

Passed in 1990, the ADA is one of the most comprehensive civil rights laws in the nation. A primary goal of the ADA is to ensure equal participation in public life for all Americans with disabilities. The purpose of this Plan is to document the results of the Authority's comprehensive review of access to programs, services, activities, and publicly accessible facilities by individuals with disabilities to determine if any discriminatory or potentially discriminatory practices, policies, or procedures exist. The ADA Title II mandates that covered entities, such as the Authority, conduct a Self-Evaluation of programs, services, and activities; create a Transition Plan for removal of physical barriers; appoint an ADA Coordinator; and develop a Grievance Procedure and an ADA Notice of Compliance.

Under Title II, a public entity may not deny the benefits of its programs, services, and/or activities to individuals with disabilities by maintaining inaccessible facilities, which house these programs, services, and activities. The Authority's programs, services, and activities, when viewed in their entirety, must be made accessible to and usable by individuals with disabilities, except where to do so would result in a fundamental alteration in the nature of the program, result in undue financial and administrative burdens, or threaten or destroy the historic significance of a historic property.

To meet this obligation, and to outline the steps toward creating more accessible programs and facilities, the Authority has contracted with Sally Swanson Architects (SSA) to assist with meeting ADA Title II mandates and develop this Plan.

Section 1 of this Plan provides an overview of legislative mandates applicable to the Authority including designating Authority Staff in the roles of Official Responsible and ADA Coordinator and developing a Grievance Procedure and Notice of Compliance. This section also provides an overview of the planning process and summary of community engagement undertaken to share information about this planning process and learn about the accessibility priorities of the public and local advocates.

Section 2 provides the findings and recommendations based on the Authority's Self-Evaluation of programs, services, and activities. Barriers that deny or limit access to programs, services, or activities may be structural or nonstructural. Nonstructural barriers (i.e. not physical or part of the built environment) may be due to policies,

practices, or procedures that may inadvertently limit, segregate, or discriminate against individuals with disabilities.

Section 3 presents the Transition Plan for physical barrier removal at Authority facilities to improve accessibility for the public within the built environment. This includes an implementation plan and proposed schedule for the modification of Authority-owned facilities. These results will guide the Authority's planning and implementation of necessary facility modifications and physical barrier removal over time.

To conclude, this Plan:

- Seeks review by and feedback from the public, including the accessibility community
- Evaluates existing policies, procedures, and practices as they pertain to the Authority's programs, services, and activities
- Provides findings and recommendations with regard to policies, procedures, and practices
- Identifies physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities
- Assesses the extent of architectural barriers to program accessibility in the public rights-of-way and within the buildings, preserves, and other facilities operated by the Authority
- Describes in detail the methods that may be used to make the facilities accessible
- Estimates costs for mitigation solutions
- Specifies the steps necessary to achieve compliance
- Provides a schedule for barrier removal/mitigation
- Sets priorities for barrier elimination
- Indicates the Official Responsible for implementation of the Plan

Section 1. Introduction

The Santa Clara Valley Open Space Authority (Authority) is an independent special district created on February 1, 1993, by an act of the California State Legislature and is governed by a seven-member elected Board of Directors. The Authority serves a large portion of Santa Clara County by protecting sensitive lands, preserving natural communities, and managing open space. The Authority has preserved over 30,000 acres of open space and owns and manages 14 open space preserves, including three preserves providing public access for recreation and educational programming, with over 20 miles of trail. A fourth preserve, Máyyan 'Ooyákma - Coyote Ridge Open Space Preserve, was under construction at the time of the drafting of this Plan and not included as part of the analysis. The preserve was constructed in accordance with current code requirements for accessibility. In addition, the Authority owns an administrative office building with public meeting rooms, staff offices, and maintenance workshop. Open space preserve features typically include parking lots, restroom facilities, picnic facilities, trailside seating, trailhead kiosk, wayfinding signage, and interpretive signage. Activities on the preserves include hiking, biking, horseback riding, and educational programming. The Authority provides temporary access to otherwise closed preserves through special programming, hosts special events, and manages a volunteer program. The agency also hosts publicly-noticed meetings. The facilities supporting the Authority's programs include but are not limited to paved and unpaved roads, trails, bridges, parking areas, interpretive and directional signage, administration office with public meeting rooms, and staff offices.

The Authority values JEDIA principles in its work to preserve the natural environment, support agriculture, and connect people to nature. The Authority strives to have accessible, collaborative, and accountable processes to engage the diverse communities we serve in our programs, projects, careers, and governance opportunities. We invite everyone to join and connect to nature with us.

OFFICIAL RESPONSIBLE

The ADA requires that an official be identified as responsible for the implementation of the entity's plan.

It is the US Department of Justice's (US DOJ's) view that compliance with 28 CFR 35.150(a), like compliance with the corresponding provisions of the section 504 regulations for public programs, would in most cases not result in undue financial and administrative burdens on a typical public agency. In determining undue financial and administrative burdens, all resources available for use in the funding and operation of Authority services, programs, and activities must be considered.

The Authority has the burden of proving that compliance with 28 CFR 35.150(a) would either fundamentally alter the nature of a service, program, or activity OR would result in undue financial and administrative burden to the Authority. The decision that compliance would result in such alteration and/or burden must be made by the head of the public entity or their designee and must be accompanied by a written statement of the reasons for reaching that conclusion.

While the US DOJ has acknowledged the difficulty/complexity of not only making such a determination, but also identifying the Official Responsible to make this decision/determination, the US DOJ's intention is clear in that the determination must be made by a high-level official, having budgetary authority and responsibility for making spending decisions.

The Official Responsible for Plan implementation should be able to seek and acquire funding and effectively control the Authority's budget for ADA barrier removal work. The Authority will designate the Assistant General Manager of Administrative and Field Operations as the Official Responsible for the implementation of this Plan. Designated Official Responsible:

TITLE: Assistant General Manager of Administrative and Field Operations

ADDRESS: 33 Las Colinas Lane, San José, CA 95119

PHONE: 408-224-7476

Typically, the responsibility of making any particular Authority program, service or activity accessible to all persons, regardless of ability, rests with the official who controls the operating funds for that particular program, service, or activity. To this end, the task of seeking/getting approval for funds from the governing body to make the said program accessible lies with the official responsible for the program. In support of monitoring and tracking the Plan, the following are officials identified as those responsible for the implementation of the Plan for programs and facilities under their departmental jurisdiction.

- Assistant General Manager of Administrative and Field Operations
- Assistant General Manager of Land Conservation and Planning
- External Affairs Manager
- Field Operations Manager
- Natural Resources Manager
- Planning Manager

The Official Responsible for implementation of the Plan will convene, as part of budgeting for fiscal year Work Plans, respective Department and Program Managers who are responsible for recommending programmatic and capital projects to advance the implementation of this Plan. Annually, Authority Staff will provide an update to the Authority's Board of Directors on the status toward implementing the actions outlined in this Plan.

ADA COORDINATOR

In compliance with the ADA, the Authority has designated an ADA Coordinator. The ADA Coordinator is responsible for coordinating the Authority's efforts to comply with Title II and for investigating any complaints that the Authority has violated Title II of the ADA. The ADA Coordinator is also responsible for coordinating the Authority's efforts to comply with all other applicable State and Federal physical and program accessibility requirements. Neither the ADA, nor State law, requires the Authority to take action that would fundamentally alter the nature of its programs, activities or services or impose an undue financial or administrative burden. Complaints that a program, activity, or service of the Authority is not accessible should be directed to the ADA Coordinator.

Designated ADA Coordinator:

TITLE: Assistant General Manager of Administrative and Field Operations

ADDRESS: 33 Las Colinas Lane, San José, CA 95119

PHONE: 408-224-7476

EMAIL: ada@openspaceauthority.org

GRIEVANCE PROCEDURE

In accordance with the requirements of the ADA, the Authority will prepare a Grievance Procedure to provide a fair and prompt resolution of complaints. According to the US DOJ, a Grievance Procedure should include:

- a description of how and where a complaint under Title II may be filed with the government entity
- if a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative
- a description of the time frames and processes to be followed by the complainant and the government entity
- information on how to appeal an adverse decision

- a statement of how long complaint files will be retained

The Authority will develop and adopt a Grievance Procedure consistent with the above guidelines. A current version of the Grievance Procedure will be distributed to all Department Managers, posted in public spaces of public buildings and facilities, and posted on the Authority's website. The Grievance Procedure will be available in alternative formats so that it is accessible for everyone.

NOTICE OF COMPLIANCE UNDER ADA & CALIFORNIA STATE LAW

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the Americans with Disabilities Amendments Act of 2008, the Fair Employment & Housing Act (FEHA), California Government Code Section 11135, and other applicable codes, the Authority does not discriminate against individuals on the basis of disability in its services, programs or activities.

The Authority must provide notice of the ADA's provisions as they apply to the Authority's programs, services, and activities. A Notice of Compliance will be prepared and made available to the public, including on the Authority's website.

SELF-EVALUATION OF POLICIES, PROCEDURES, AND PRACTICES

A Self-Evaluation evaluates policies, procedures, and practices of a public entity to identify existing programmatic barriers to access. As part of this planning process, Authority Staff, representing personnel from across the Authority's Departments, completed a Self-Evaluation Questionnaire regarding the delivery of services to the public. Staff responses to the Questionnaire were reviewed by SSA to identify programmatic barriers and recommendations for improvement. A summary of this process and recommendations are included in Section 2.

TRANSITION PLAN FOR PHYSICAL BARRIERS

A Transition Plan documents physical accessibility barriers to the Authority's programs, services, and activities and proposes a schedule/plan (or the basis to produce one) for which a public entity shall follow to transition from a state of noncompliance to compliance. The access compliance surveys conducted at Authority facilities fulfill the requirements of a Transition Plan by identifying existing building conditions that deviate from current State and Federal standards for new construction and providing detailed description of proposed solutions for barrier mitigation. For each barrier, the surveys outline the code deviations and requirements from the current Americans with

Disabilities Act Accessibility Guidelines (ADAAG), ADA Standards for Accessible Design (ADAS), and the Accessibility Standards in the California Building Code (CBC).

At the time of the facilities evaluations, the following regulations and guidelines were used to identify barriers at Authority facilities:

- Americans with Disabilities Act Accessibility Guidelines (1991)
- Americans with Disabilities Act (2010)
- California Building Code

At the time of the development of this Plan, the Architectural Barriers Act Guidelines for Outdoor Developed Areas (2014) and the California State Parks Accessibility Guidelines (2015) have not been adopted for implementation at parks and open space facilities; however, it is recommended that these guidelines be referenced and utilized in planning and implementation of regular maintenance activities and construction projects.

The process for evaluating physical barriers and proposed schedule for barrier removal is included in Section 3.

COMMUNITY ENGAGEMENT

As part of the Self-Evaluation and Transition Plan process, the Authority is required to accept comments from the public on its contents. At the outset of the development of this Plan, the Authority developed a project webpage, to provide a summary of the process, links to project and planning documents, and collect contact information for interested parties to provide project updates. The project webpage is located here: <https://www.openspaceauthority.org/our-work/current-projects/Americans-with-Disabilities-Act-ADA-Self-Evaluation-and-Transition-Plan.html>

The Authority engaged the Use and Management Committee of the Board of Directors and Citizens' Advisory Committee through publicly-noticed meetings to provide project updates and seek feedback at important project milestones. Authority Staff presented on the Plan at the following meetings:

- Use & Management Committee – July 28, 2022
- Citizens' Advisory Committee – March 27, 2023

The Authority released the Draft Plan for public comment on July 11, 2023. Interested parties were notified of the availability of the Draft Plan on the Authority's project webpage, included above. At the same time, the Authority released a survey in Santa Clara County's five threshold languages (English, Spanish, Vietnamese, Chinese, and

Tagalog) to collect feedback from the community regarding their experiences and priorities for accessibility in open space. Staff presentations from public meetings, comments received on the Draft Plan, and survey responses will be included in Appendix A of the Final Plan.

Authority Staff consulted with individuals with disabilities and local accessibility advocacy organizations in the development of the survey and the Draft Plan, including:

- Bay Area Older Adults (Anne Ferguson)
- Bay Area Outreach and Recreation Program (Bonnie Lewkowicz)
- City of San José, Officer of Disability Affairs (Raania Mohsen)
- County of Santa Clara Office of Disability Affairs (Maribel Martínez)
- Mobility Mark (Mark Hehir, Santa Clara County Resident)
- San Andreas Regional Center (Francisco Valenzeula and Javier Zaldivar)
- Saved by Nature (Richard Tejeda)
- Silicon Valley Independent Living Center (Chris Fitzgerald and Sheri Burns)
- State Council on Developmental Disabilities – Central Coast Office (Jennifer Lewis)

Section 2. Self-Evaluation of Policies, Procedures, and Practices

PROCESS OVERVIEW

Required by Title II, 28 CFR 35.105, the ADA Self-Evaluation is a complete examination of all programs, services, and activities provided by the Authority to ensure that, when viewed in their entirety, they are readily accessible to qualified people with disabilities. The purpose of the ADA Self-Evaluation is to identify areas where changes are needed to ensure access is in place for people with disabilities.

To be qualified as a person with disabilities for the purposes of this Self-Evaluation, an individual must have a disability as defined below and must be qualified to participate in the programs, services, or activities of the Authority.

Under California Government Code 11135, the ADA was incorporated into State law and therefore the ADA issues raised through the Self-Evaluation are both State and Federal issues. In California Government Code 12926, the definition of mental and physical disability was broadened beyond the ADA. Summarized as follows:

1. A person having a physical or mental disability that limits a major life activity. This person is considered as having unmitigated status (i.e., how the individual in question would function without the use of medication or devices that may mitigate the impact of the disability). If there is a limitation to a major life activity in this statute, coverage is established;
2. A person with a history of a disability as described above;
3. A person is regarded as having a disability, such as described. California State law also provides protection to cancer survivors, people who have a genetic predisposition to illnesses or disabilities or people who have received services within a special education program.

The Self-Evaluation is intended as a review of the programs, services, and activities provided by the Authority. The US DOJ within the ADA Title II, Technical Assistance Manual (TAM) (Section II-8.2000) recommends a scope of review for Self-Evaluations, which contains program areas which were considered for use in the development of this report.

The Self-Evaluation Questionnaire considered the following:

- Print Communications
- Communication with People Who are Deaf or Hard of Hearing
- Software and Digital Communication
- Staff and Employees

- Purchasing, Contracts, and Vendors
- Construction and Remodels
- Facilities and Real Estate Management
- Planning, Construction, and Buildings
- Fleet Services
- Public Meetings
- Emergency Procedures
- Records
- Capital Projects
- General Purchases
- General
- Requested Trainings

The ADA mandates that a Self-Evaluation review all programs, services, and activities of the covered entity. The Self-Evaluation of the Authority's programs, services, and activities required and involved the participation of every Authority Department. SSA developed targeted accessibility survey questions that comprise the Self-Evaluation Questionnaire. All survey questions and Staff responses are summarized in Appendix B. Individual survey responses and corresponding attachments are available upon request.

FINDINGS AND RECOMMENDATIONS

Responses to the Self-Evaluation Questionnaire were used to develop recommendations for accessibility improvements to the Authority's programs, services, and activities.

Recommended actions by program area include:

Print Communications

- Ensure that all Authority printed publications and notices inform readers that the publications are available in alternative formats, if needed, for persons with disabilities.
- Ensure that all Authority printed publications use a uniform, accessible font, and are reviewed to ensure they do not portray people with disabilities in a demeaning or offensive way.
- Develop and implement staff training to ensure that all publications and correspondence use "person-first" language.
- Train staff to ensure that all publications and correspondence use accepted terms and forms when referring to people with disabilities/disabled people.

- For documents that are regularly distributed, keep a few copies in large print format available.

Communication with People Who are Deaf or Hard of Hearing

- Update business cards and letterhead to indicate “711 the California Relay”.
- Request that your public phone lines be tested to ensure TTY functionality, and make sure that the public is informed of their option to utilize this accessible means of communication.
- Ensure that there is an identified local resource that can provide auxiliary aids for communication as needed.
- Review to determine if there is a policy in place for securing Video Remote Interpreting (VRI) services. If so, ensure all Authority Departments are aware of the policy and, and, if not, create and distribute such a policy.
- If videos are used (internally or for the public), ensure that all Departments are informed of resources available to make certain that videos are captioned.

Software and Digital Communication

- Establish and implement policy that all websites, third party software, electronic payment systems, and electronic communications comply with current Web Content Accessibility Guidelines (WCAG 2.1 AA).
- Establish how WCAG compliance will be maintained and communicate this expectation across Departments.
- Establish and implement policy that all electronic documents (e.g. PDFs, Word Documents, and photographs) are accessible to people with disabilities and/or are available in alternative, accessible formats.

Staff and Employees

- Consider partnering with local disability rights groups and organizations to affirmatively notify and recruit persons with disabilities to available roles.
- Establish practices to ensure that all job listings are accessible.
- Ensure that all job listings contain a statement regarding non-discrimination against persons with disabilities.
- Look into whether all Authority Departments consistently offer candidates for employment the opportunity to request reasonable accommodation for interviewing (and confirm that they do).
- Ensure that all Authority interview panel members are trained regarding disability awareness and appropriate interactions with people with disabilities.
- Offer training on accessibility best practices and/or Authority disability policies and procedures to staff and employees.

- Develop practices to ensure that all opportunities for advancement and education are available and accessible to Staff and Employees who may have a disability.
- Ensure that all Departments are aware of and receive training on how to make, receive, and conduct an interactive process on a request for reasonable accommodation. Make sure relevant staff are aware that an interactive process may include a search for a vacant, funded position as an accommodation of last resort.
- Ensure that all Departments have an easily ascertainable policy against disability harassment, as well as a grievance system that offers assistance to people with disabilities who, due to their disability, are not able to independently complete the grievance.
- Ensure that the Authority has a current and easily ascertainable policy regarding service and/or support animals for its employees (and the public).

Purchasing, Contracts, and Vendors

- Create and implement Authority policy to ensure that accessibility is considered when purchasing new equipment.
- Ensure that documents related to bidding and contracting are uniformly (i.e. across Departments) accessible and available in alternative formats.
- Ensure that meetings related to bidding and contracting are uniformly (i.e. across Departments) held in accessible locations.
- Ensure that contractual language is uniformly (i.e. across Departments) in place holding contractors and vendors to applicable State and Federal disability civil rights mandates.
- Create and implement Authority policy to ensure that all products and services offered by third parties and vendors are fully accessible.
- Create and implement Authority policy to ensure that accessibility plan checks are performed when vendors conduct tenant improvements in public service areas.
- Develop and offer guidance for staff and vendors regarding clear space and furniture placement.
- Inform all Departments as to what steps an employee or member of the public with a disability has available if they believe they have been discriminated against by an Authority vendor or contractor.

Construction and Remodels

- Consider creating and implementing a policy mandating CASp inspections at key points of construction and at completion before final payment.

- Consider creating and implementing policy requiring major public projects to be reviewed by stakeholders with disabilities during the planning stage.

Facilities and Real Estate Management

- Review to determine whether there is a policy ensuring proper maintenance of accessible features, including during construction and, if not, establish and implement such a policy.

Planning, Construction, and Buildings

- Where applicable, develop an accessibility checklist or accessibility protocols (e.g., current accessibility practices) for use on all projects and assign a staff person to ensure compliance with this checklist.

Fleet Services

- Authority may want to ensure that when Authority services include Fleet services, Federal standards are integrated in the procurement process and employee training.
- Authority may want to clarify that service animals are permitted on Authority fleet vehicles.

Public Meetings

- Create and implement an events accessibility checklist for all Departments that hold public meetings which addresses, at a minimum, the items included within this portion of the Self-Evaluation survey.

Emergency Procedures

- Ensure that all Departments have procedures in place regarding the evacuation of persons with disabilities.
- Communicate with emergency partners to ensure that any evacuation facilities are accessible to persons with disabilities.
- Determine whether there is a Building Safety Plan for the buildings where your department operates.
- Ensure that all Staff and employees are aware of 1) Building Safety Plan, 2) evacuation procedures for persons with disabilities, and 3) designated waiting areas within your building for disabled people to wait for rescue by first responders.
- Offer your Staff and employees training on best practices to evacuate people with disabilities.

Records

- Based on survey responses there are no recommendations for this section at this time.

Capital Projects

- Similar to the recommendation in the “Planning, Construction & Building” section of this report, develop an accessibility checklist or accessibility protocols (e.g. current accessibility practices) for use on all Capital projects and assign a staff person to ensure compliance with this checklist.

General Purchases

- Establish a uniform process for ensuring accessibility of items - including furniture and items with operational parts - purchased for installation.

General

- Ensure that all Departments have ADA Notices of Compliance posted.
- Ensure that all Departments are aware of the Authority’s policy regarding service and/or emotional support animals for its employees and/or the public.
- Ensure that all Departments that offer printed informational brochures to the public, and all Departments that issue any sort of fine or citation, have those available in large print format, and can provide alternative formats upon request.
- Ensure that all Departments have a policy in place that prohibits discrimination against people who formerly used drugs illegally and have been through a rehabilitation program.

Requested Trainings

The Self-Evaluation Questionnaire asked participants for a write-in response for requested trainings. Refer to Appendix B, Section P “Requested Trainings” for the complete list of responses for requested trainings.

The ADA Coordinator, or designee, will review these recommendations with the responsible Department. In those situations where a policy, procedure, or practice creates a barrier to accessibility, the ADA Coordinator, or designee, will coordinate with Staff and Department Managers to address the removal of the barrier in the most reasonable and accommodating manner in accordance with applicable law. The Authority will maintain a working spreadsheet of these recommendations, to track status and updates. Annual reports of progress toward addressing these recommendations will be provided to the Authority’s Board of Directors.

Section 3. Transition Plan for Physical Barriers

PROCESS OVERVIEW

The purpose of the Transition Plan is to create a framework for the Authority to achieve accessibility compliance in accordance with the ADA Title II, which mandates the public use of facilities to meet standards for program accessibility. The process of developing a Transition Plan includes the identification of access barriers within the built environment where facilities are open to staff and/or the general public. Title II also requires that a public entity develop a schedule which addresses the order in which physical barriers shall be mitigated. This schedule shall be made available to the public and shall be maintained and updated for the duration of the Transition Plan period.

Physical audits of the Authority's facilities which are currently, or may in the near future, be open for public use were conducted by a Certified Access Specialist (CASP) from SSA between 2022 and 2023. The following facilities were evaluated:

- Administrative Office
- Coyote Valley Open Space Preserve
- Rancho Cañada del Oro Open Space Preserve
- Sierra Vista Open Space Preserve
- Tilton Ranch Complex

All features of the properties subject to accessibility standards and codes were observed including, but not limited to, parking areas, restrooms, sidewalks, access ramps, common areas accessible to the public, trailheads, and trailhead amenities.

The age of a facility can determine the Authority's obligations to meet ADA compliance. Facilities built before September 15, 2010, are obligated to be in compliance with the 1991 ADAAG, barring that the building has not gone through major reconstruction or alteration henceforth that date. If a facility was constructed or altered between the transition period of September 15, 2010, through March 15, 2012, an option of choosing either the 1991 ADA or 2010 ADA Standards was allowed. Facilities built after March 15, 2012, are required to meet the updated 2010 ADA Standards. In addition to ADAAG and ADA requirements, facilities are also required to comply with the applicable CBC at the time of construction. The caveat being that crucial program functions and services must be provided in accessible locations.

Table 1. Applicable Standards by Construction Date

Compliance Date for New Construction or Alterations	Applicable Standards
Before September 15, 2010	1991 Standards of ADAAG or CBC (current at time of project)
On or after September 15, 2010, and before March 15, 2012	1991 Standards of ADAAG, 2010 ADA Standards, or CBC (current at time of project)
On or after March 15, 2012	2010 ADA Standards or CBC (current at time of project)

FACILITIES ACCESS COMPLIANCE SURVEY REPORT

The information obtained from the physical surveys of the Authority facilities is recorded in a Facilities Access Compliance Survey Report (Report). The Report records existing built features which are noncompliant and identifies solutions to these physical barriers. The Report is found in Appendix C.

For each barrier surveyed, the following information is included in the Report:

- Year of construction (if known, or may be approximate)
- Item number of barrier and/or room numbers, corresponding to schematic site and floor plans
- Area/location of the barrier; for example, room name or number
- Description of the barrier (as-built situation)
- As-is measurement/dimension
- Method of mitigation (e.g. physical alteration, purchase, program modification, equivalent facilitation, etc.)
- Detailed description of proposed solution and, if applicable, an alternative or interim solution
- Code citations, specifying the applicable sections in the State accessibility regulations and in the Federal standards
- Unit and estimated unit price
- Total estimated cost for barrier removal
- Special site conditions (if applicable)

The Report additionally provides a ranking, provided by the CASp who conducted the survey, of priority and severity for each barrier identified. A Priority Score is a rating that rates the relative importance of addressing a barrier according to its impact upon the disabled population. The score considers the expected frequency of use and frequency of contact that the barrier will have with the public based on its location within a facility and where the public have access to. The Priority Score is rated on a score ranging from 1 to 4; a score of 1 being the highest priority, which are barriers that are expected to be in contact with the public consistently, and 4 being the lowest priority, which are

barriers with minimal contact by the public. A Severity Score is a rating of the degree of deviation that the existing barrier has in comparison to applicable standards and the reparability of mitigating the barrier. The Severity Score is rated on a score ranging from 1 to 4; a score of 1 being the highest severity, and 4 being the lowest severity. Severity Scores are assigned on a case-by-case basis depending on the type of barrier and the most cost-effective solution to mitigate the barrier. The Authority may consider Priority and Severity Score rankings in the schedule and approach of barrier removal.

REPORT FINDINGS SUMMARY

The Report covers five facilities owned and maintained by the Authority. The surveys identified 232 different accessibility related barriers within the Authority facilities. The financial cost to mitigate all barriers identified in the surveys is estimated at \$2.7 million.

Table 2. Facility Survey Summary

Number of Facilities Surveyed	Number of Accessibility Barriers	Total Cost Estimated (\$)
5	232	\$2,707,896

Table 3. Facility Information

Facility No.	Facility Name	Address
1	Administrative Office	33 Las Colinas Lane San José, CA 95119
2	Coyote Valley Open Space Authority	550 Palm Ave. Morgan Hill, CA 95037
3	Rancho Cañada del Oro Open Space Preserve	4289 Casa Loma Road Morgan Hill, CA 95037
4	Sierra Vista Open Space Preserve	Sierra Road San José, CA 95127
5	Tilton Ranch Complex	19665 Hale Ave. Morgan Hill, CA 95037

IMPLEMENTATION CRITERIA

The Authority has developed the following criteria to guide the development of a proposed barrier removal schedule. The Authority sought input from Staff and the Citizens' Advisory Committee (March 27, 2023) in the development of the following Implementation Criteria:

- **Safety:** Prioritize barrier removals that address safety for visitors with disabilities.

- **Geographic distribution:** Prioritize barrier removals that widely distribute the availability of accessible programs and facilities throughout the Authority's jurisdiction.
- **Usage levels:** Prioritize barrier removals at facilities that receive high levels of visitor use and other sites of high public interest.
- **Public feedback and requests:** Prioritize barrier removals at facilities that have been identified of interest by the public.
- **Project readiness:** Consider cost, ease of implementation, and general project readiness for barrier removals. Prioritize barrier removals that leverage existing capital improvement or maintenance projects to make efficient, cost-effective use of the resources available for barrier removals. Consider clusters of improvements to ensure more accessible spaces overall. Also consider whether these are staff-level maintenance projects or whether they require a design or engineering consultant.

TRANSITION PLAN IMPLEMENTATION AND PROPOSED BARRIER REMOVAL SCHEDULE

By applying the above Implementation Criteria, the Authority proposes the following schedule for assessing mitigation to physical barriers. Assessing barriers by facility location over a span of 15 years will allow the Authority to plan and budget for barrier-mitigation work accordingly.

Table 4. Schedule for Assessment of Barrier Removal by Facility

Facility	1 - 5 Years	1 - 10 Years	1 - 15 Years
Administrative Office	X		
Coyote Valley Open Space Preserve	X		
Rancho Cañada del Oro Open Space Preserve		X	
Sierra Vista Open Space Preserve			X
Tilton Ranch Complex			X

Over time, barriers may be addressed at the facilities above according to the scale of the action required for mitigation. The Authority proposes the schedule below that may be used for addressing individual barriers based on barrier type. For example, interim

solutions or maintenance improvements may be made to Authority facilities as part of annual maintenance activities. Small or large capital improvements will require greater funding and capacity considerations to incorporate into the Authority’s annual work plan or capital improvement schedule.

Table 5. Schedule for Barrier Removal by Project Type

Barrier Removal Type	Timeframe	Description
Interim Solutions	1 – 5 Years	Interim measures in place pending major barrier removal projects
Maintenance Improvements	1 – 5 Years	Completed in-house (e.g., new signage, relocating grab bars, minor regrading) <\$5k each
Small Capital Improvements	1 – 10 Years	Completed in-house or by contractor <\$50k each
Large Capital Improvements	1 – 15 Years	Completed by contractor >\$50k each

The Authority will maintain and update a spreadsheet of facilities barriers. This will be a working document to be modified as barriers are removed or alterations are made, open to modification throughout the transition period. The document should be maintained and updated for the duration of the Transition Plan period and a copy of the tracking documentation shall be made available for public inspection at request. This document shall mark the Authority’s good-faith efforts in transitioning from a state of noncompliance to compliance regarding the ADA.

The Authority’s Assistant General Manager of Administrative and Field Operations, the Official Responsible for the implementation of the Plan, has the authority to grant exceptions for “unreasonable hardship” under the California Building Code, Definitions. The section on “unreasonable hardship” includes five factors to be considered:

1. The cost of providing access.
The cost of all construction contemplated.
2. The impact of proposed improvements on financial feasibility of the project.
3. The nature of the accessibility which would be gained or lost.
4. The nature of the use of the facility under construction and its availability to persons with disabilities.

The Official Responsible and project managers overseeing the barrier-removal projects will document all such ADA improvements/upgrades. Also, as part of this process,

technical infeasibility, if any, to meet necessary accessibility compliance will be documented and filed for the Authority's records by the Engineer-of-Record on the said project. It is also recommended to provide accessibility site audits (inspections) of on-going projects as part of the project close-out/certification. This documentation and verification of barrier-mitigation will be integrated into the Authority's Transition Plan on a regular basis to ensure that progress is being made towards the removal of identified barriers and the Plan is current with a record of barrier mitigation work completed. Annual reports of barrier mitigation work will also be provided to the Authority's Board of Directors.

MAINTENANCE OF ACCESSIBLE FEATURES

The Maintenance of accessible features is mandated by State and Federal Regulations and is an integral part of the Authority's plan to transition into a more accessible agency. Both, Chapter 28 Code of Federal Regulation, Part 35, Section 35.133 as well as the California Building Code section 1101B.3 – Maintenance of accessible features, state:

1. A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities.
2. This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

Both these sections provide that a public entity shall maintain in operable working condition those features of facilities and equipment that are required to be accessible to and usable by persons with disabilities. They require that, to the maximum extent feasible, facilities must be accessible to, and usable by, individuals with disabilities. These sections recognize that it is not sufficient to provide features such as accessible routes, ramps, or elevators, if those features are not maintained in a manner that enables individuals with disabilities to use them. For example, inoperable elevators, are neither "accessible to" nor "usable by" individuals with disabilities.

It is, of course, impossible to guarantee that mechanical devices will never fail to operate. As such, the mandate provides that this section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. This is intended to clarify that temporary obstructions or isolated instances of mechanical failure would not be considered violations of the ADA. However, allowing obstructions or "out of service" equipment to persist beyond a reasonable period of time would violate this part, as would repeated mechanical failures due to improper or inadequate maintenance. Failure of the public entity to arrange prompt repair of inoperable elevators or other equipment intended to provide access would also violate this part.

An Authority-wide formal policy specifically addressing the legal requirements (28CFR Part 35.133 & CBC1101B.3) of maintaining accessible features would be of long-term benefit to the Authority. When, over time, an accessible feature fails, institutionalizing organizational commitments towards protocols and maintenance ensures an appropriate action is taken.

APPENDICES

Appendix A : Public Meetings and Public Comment Received

Appendix B : Self-Evaluation Questionnaire and Response Summary

Appendix C: Access Compliance Survey Report of Facilities