

ANNUAL AFFIDAVIT OF COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

I, _____ (Name of Individual), executing this document on behalf of the undersigned company, partnership, corporation, or entity hereinafter referred to as “SUBRECIPIENT”, presently doing business with NJ TRANSIT, hereby warrant and affirm to NJ TRANSIT as follows:

- The SUBRECIPIENT certifies that its transportation service is in compliance with the DOT ADA Regulations as per 49 CFR Parts 37, 38 and 39.
- The SUBRECIPIENT certifies that any contractors operating some or all of the SUBRECIPIENT’s service complies with the DOT ADA regulations as per 49 CFR Parts 37, 38 and 39.
- The SUBRECIPIENT certifies that the transportation service offered to individuals with disabilities, including individuals who use mobility devices, is equivalent to the level and quality of service offered to individuals without disabilities.
- The SUBRECIPIENT shall not deny service to a person with a disability based on what it perceives to be “safe” or “unsafe” for that individual. Individuals with disabilities have the right to decide the level of risk they are willing to take to travel independently.
- The SUBRECIPIENT shall not impose special charges for providing required accessible services to individuals with disabilities.
- The SUBRECIPIENT shall not require that an individual with disabilities be accompanied by an attendant.
- The SUBRECIPIENT shall not refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities.
- The SUBRECIPIENT may refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct, or represents a direct threat to the health or safety of others. However, a SUBRECIPIENT shall not refuse to provide service to an individual with disabilities solely because the individual’s disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the SUBRECIPIENT or other persons.
- The SUBRECIPIENT shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features required by Part 38 of the ADA.
- The SUBRECIPIENT shall maintain in operative condition those features of vehicles that are required to make the vehicle readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and ramps, lighting, mobility aid securement areas and systems, and seat belts and shoulder harnesses.

- The SUBRECIPIENT shall promptly repair accessibility features if they are damaged or out of order.
- The SUBRECIPIENT shall establish a system of regular and frequent maintenance checks of lifts and ramps sufficient to determine if they are operative. The SUBRECIPIENT shall ensure that vehicle operators report, by the most immediate means available, any failure of a lift or ramp to operate in service. When a lift or ramp is discovered to be inoperative, the SUBRECIPIENT shall take the vehicle out of service before beginning the vehicle's next service day and ensure that the lift/ramp is repaired before the vehicle returns to service.
- The SUBRECIPIENT should transport the occupant and their wheelchair if the lift and vehicle can accommodate them.
- The SUBRECIPIENT is not required to permit riders who use wheelchairs to ride in places other than designated securement locations on the vehicle.
- The SUBRECIPIENT shall allow riders who use wheelchairs to board and ride accessible vehicles. A wheelchair is defined as "a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered." A wheelchair does not require specific elements or equipment such as front rigging (footplates or leg rests), wheel locks or brakes, push handles, or positioning belts or harnesses.
- The SUBRECIPIENT may require that an individual permit his or her wheelchair to be secured. The SUBRECIPIENT may not deny transportation to a wheelchair or its user on the ground that the device cannot be secure or restrained satisfactorily by the vehicle's securement system.
- The SUBRECIPIENT may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The entity may not require the individual to transfer.
- The SUBRECIPIENT shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.
- When necessary or upon request, the SUBRECIPIENT's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.
- The SUBRECIPIENT shall permit service animals to accompany individuals with disabilities in vehicles.
- The SUBRECIPIENT shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply.
- The SUBRECIPIENT shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications

capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

- The SUBRECIPIENT shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.
- SUBRECIPIENTS that are public entities that provide general public transportation shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services. The SUBRECIPIENT shall make information about how to contact the agency to make requests for reasonable modifications readily available to the public on agency website and marketing materials, and must be accessible.
- SUBRECIPIENTS are required to have procedures for addressing ADA complaints that incorporate appropriate due process standards and provide for prompt and equitable resolution. SUBRECIPIENTS are required to sufficiently advertise the ADA complaint process through means such as websites and marketing materials. The ADA complaint process must include the contact information (name and/or title, address, telephone number, and email address) for the individual designated to coordinate compliance, process for filing an ADA-related complaint and information on how they will respond promptly to any individual filing a complaint. SUBRECIPIENTS must retain copies of ADA-related complaints for at least one year and a summary of all ADA-related complaints for at least five years. If the SUBRECIPIENT does not operate service directly or is a pass-through entity, it must ensure that those entities operating service directly have a procedure for addressing ADA complaints.

Any and all ADA complaints shall be reported to NJ TRANSIT:

COMPLAINTS	
<p>Has your agency received any complaints, investigations or lawsuits alleging discrimination in the delivery of transportation service in the last year?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>If YES, provide a detailed description of the allegation and the current status and/or outcome.</p> 	
<p>Has any federal entity conducted an ADA compliance review of your agency within the last three years?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>If YES, provide the purpose/reason for the review, the name of the agency that performed the review, a summary of Findings/Recommendations, and the status and/or disposition.</p> 	
<p>Has your agency had a finding of non-compliance by any other federal agency?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>

Certification of ADA Compliant Service

This is to certify that _____ (Name of Agency) transportation services meet the requirements as listed above and those of 49 CFR part 37 Transportation Services for Individuals with Disabilities (ADA) as applicable.

Signature

Print Name of Authorized Official

Title

Date