

117TH CONGRESS
1ST SESSION

S. 2038

To increase accessible transportation for individuals with disabilities.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2021

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To increase accessible transportation for individuals with disabilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disability Access to
5 Transportation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) According to the Centers for Disease Con-
9 trol and Prevention, 1 in 4 U.S. adults has a dis-
10 ability.

1 (2) Section 2(b) of the Americans with Disabil-
2 ities Act (42 U.S.C. 12101) recognized that individ-
3 uals with disabilities face discrimination when using
4 transportation services and sought to provide “a
5 clear and comprehensive national mandate for the
6 elimination of discrimination against individuals with
7 disabilities”.

8 (3) Thirty years after the enactment of the
9 Americans with Disabilities Act, individuals with dis-
10 abilities continue to face systemic discrimination and
11 a lack of accessible transportation options.

12 (4) Transportation is a core component of inde-
13 pendent living; without the ability to easily move
14 from one location to another, especially to drop a
15 child off at day care, arrive at work on time, or run
16 basic errands, true community living is impossible.

17 (5) Technology is changing the way the trans-
18 portation industry provides services.

19 (6) As technology continues to change the way
20 people move from one place to another, the transpor-
21 tation sector, including Federal agencies, local tran-
22 sit systems, and private entities must innovate and
23 provide services in a way that empowers individuals
24 with disabilities to travel independently in their com-
25 munities.

1 **SEC. 3. ONE-STOP PARATRANSIT PILOT PROGRAM.**

2 (a) IN GENERAL.—Not later than 6 months after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall establish a one-stop paratransit pilot program.

5 (b) PURPOSE.—The purpose of the pilot program
6 under this section is to develop or expand paratransit pro-
7 grams carried out pursuant to the ADA to provide for 1
8 stop of at least 15 minutes outside of the vehicle during
9 a paratransit trip to prevent long wait times between mul-
10 tiple trips that unduly limit an individual’s ability to com-
11 plete essential tasks.

12 (c) ELIGIBLE ENTITIES.—

13 (1) IN GENERAL.—An entity eligible to partici-
14 pate in the pilot program is a transit agency that
15 agrees to track and share information as the Sec-
16 retary requires, including—

17 (A) number of ADA paratransit trips con-
18 ducted each year;

19 (B) requested time of each paratransit
20 trip;

21 (C) scheduled time of each paratransit
22 trip;

23 (D) actual pickup time for each para-
24 transit trip;

25 (E) average length of a stop in the middle
26 of a ride as allowed by this section;

1 (F) any complaints received by a para-
2 transit rider;

3 (G) rider satisfaction with paratransit
4 services; and

5 (H) after the completion of the pilot pro-
6 gram, an assessment by the eligible entity of its
7 capacity to continue a one-stop program inde-
8 pendently.

9 (2) PREFERENCE.—The Secretary shall give
10 preference to entities that—

11 (A) have comparable data for the year
12 prior to implementation of the pilot program
13 that can be used by the Secretary and other or-
14 ganizations, such as nonprofit organizations
15 and advocacy organizations, for research pur-
16 poses; and

17 (B) plan to use agency personnel to imple-
18 ment the pilot program.

19 (d) APPLICATION.—To be eligible to participate in
20 the pilot program, an eligible entity shall submit to the
21 Secretary an application at such time, in such manner,
22 and containing such information as the Secretary may re-
23 quire, including information on—

24 (1) locations the eligible entity intends to allow
25 a stop at, if stops are limited, including—

1 (A) childcare or education facilities;

2 (B) pharmacies;

3 (C) grocery stores; and

4 (D) bank or ATM locations;

5 (2) methodology for informing the public of the
6 pilot program;

7 (3) vehicles, personnel, and other resources that
8 will be used to implement the pilot program; and

9 (4) if the applicant does not intend the pilot
10 program to apply to the full area under the jurisdic-
11 tion of the applicant, a description of the geographic
12 area in which the applicant intends the pilot pro-
13 gram to apply.

14 (e) SELECTION.—The Secretary shall seek to achieve
15 diversity of participants in the pilot program by selecting
16 a range of eligible entities that includes at least five of
17 each of the following:

18 (1) An eligible entity that serves an area with
19 a population of 200,000 people or fewer.

20 (2) An eligible entity that serves an area with
21 a population of over 200,000 people.

22 (3) An eligible entity that provides transpor-
23 tation for rural communities.

24 (f) REPORT.—Not later than 3 months after the con-
25 clusion of the first 15 pilot projects carried out under this

1 section, the Secretary shall submit to Congress a report
 2 on the results of the program, including the feasibility of
 3 developing and implementing one-stop programs for all
 4 ADA paratransit services.

5 (g) FUNDING.—

6 (1) FEDERAL SHARE.—The Federal share of
 7 the total cost of a project carried out under this sec-
 8 tion may not exceed 80 percent.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—

10 There are authorized to be appropriated to carry out
 11 this section \$75,000,000 for each of fiscal years
 12 2022 through 2026.

13 **SEC. 4. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-**
 14 **WAY.**

15 (a) IN GENERAL.—Not later than 180 days after the
 16 date of enactment of this Act, the Architectural and
 17 Transportation Barriers Compliance Board, pursuant to
 18 section 502(b)(3) of the Rehabilitation Act of 1973 (29
 19 U.S.C. 792(b)(3)), shall publish final accessibility guide-
 20 lines setting forth minimum standards for pedestrian fa-
 21 cilities in the public right-of-way, including shared use
 22 paths.

23 (b) ADOPTION OF REGULATIONS.—Not later than
 24 180 days after the establishment of the guidelines pursu-

1 ant to subsection (a), the Secretary shall issue such regu-
2 lations as are necessary to adopt such guidelines.

3 **SEC. 5. REPORTING ACCESSIBILITY COMPLAINTS.**

4 (a) IN GENERAL.—The Secretary of Transportation
5 shall ensure that an individual who believes that he or she
6 or a specific class of individuals has been subjected to dis-
7 crimination on the basis of disability by a public entity
8 may, by himself or herself or by an authorized representa-
9 tive, easily file a complaint with the Department of Trans-
10 portation. Not later than 1 year after the date of enact-
11 ment of this Act, the Secretary shall implement procedures
12 that allow an individual to submit a complaint described
13 in the previous sentence by phone, by mail-in form, and
14 online through the website of the Office of Civil Rights
15 of the Federal Transit Administration.

16 (b) NOTICE TO INDIVIDUALS WITH DISABILITIES.—
17 Not later than 18 months after the date of enactment of
18 this Act, the Secretary shall require that each public tran-
19 sit provider and contractor providing paratransit services
20 shall include on a publicly available website of the service
21 provider, any related mobile device application, and online
22 service—

23 (1) the telephone number, or a comparable elec-
24 tronic means of communication, for the disability as-

1 assistance hotline of the Office of Civil Rights of the
2 Federal Transit Administration;

3 (2) notice that a consumer can file a disability-
4 related complaint with the Office of Civil Rights of
5 the Federal Transit Administration;

6 (3) an active link to the website of the Office
7 of Civil Rights of the Federal Transit Administra-
8 tion for an individual to file a disability-related com-
9 plaint; and

10 (4) notice that an individual can file a dis-
11 ability-related complaint with the local transit agen-
12 cy and the process and any timelines for filing such
13 a complaint.

14 (c) INVESTIGATION OF COMPLAINTS.—Not later than
15 60 days after the last day of each fiscal year the Secretary
16 shall publish a report that lists the disposition of com-
17 plaints described in subsection (a), including—

18 (1) the number and type of complaints filed
19 with Department of Transportation;

20 (2) the number of complaints investigated by
21 the Department;

22 (3) the result of the complaints that were inves-
23 tigated by the Department including whether the
24 complaint was resolved—

25 (A) informally;

1 (B) by issuing a violation through a non-
2 compliance Letter of Findings; or

3 (C) by other means, which shall be de-
4 scribed in detail; and

5 (4) if a violation was issued for a complaint,
6 whether the Department resolved the noncompliance
7 by—

8 (A) reaching a voluntary compliance agree-
9 ment with the entity;

10 (B) referring the matter to the Attorney
11 General; or

12 (C) by other means, which shall be de-
13 scribed in detail.

14 (d) REPORT.—Upon implementation of this section,
15 the Secretary shall, to the extent practicable, issue a re-
16 port composed of the information collected under this sec-
17 tion for the preceding 5 years.

18 **SEC. 6. ACCESSIBILITY DATA PILOT PROGRAM.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary shall establish
21 an accessibility data pilot program.

22 (b) PURPOSE.—In carrying out the pilot program,
23 the Secretary shall develop or procure an accessibility data
24 set and make that data set available to each eligible entity

1 selected to participate in the pilot program to improve the
2 transportation planning of such eligible entities by—

3 (1) measuring the level of access by multiple
4 transportation modes, including transportation net-
5 work companies, to important destinations, which
6 may include—

7 (A) jobs, including areas with a concentra-
8 tion of available jobs;

9 (B) health care facilities;

10 (C) child care services;

11 (D) educational and workforce training fa-
12 cilities;

13 (E) affordable housing;

14 (F) food sources; and

15 (G) connections between modes, including
16 connections to—

17 (i) high-quality transit or rail service;

18 (ii) safe bicycling corridors; and

19 (iii) safe sidewalks that achieve com-
20 pliance with applicable requirements of the
21 ADA;

22 (2) disaggregating the level of access by mul-
23 tiple transportation modes by a variety of population
24 categories, which shall include—

25 (A) low-income populations;

1 (B) minority populations;

2 (C) age;

3 (D) disability such as sensory, cognitive,
4 and physical, including wheelchair users; and

5 (E) geographical location; and

6 (3) assessing the change in accessibility that
7 would result from new transportation investments.

8 (c) ELIGIBLE ENTITIES.—An entity eligible to par-
9 ticipate in the pilot program is—

10 (1) a State;

11 (2) a metropolitan planning organization; or

12 (3) a rural transportation planning organiza-
13 tion.

14 (d) APPLICATION.—To be eligible to participate in
15 the pilot program, an entity shall submit to the Secretary
16 an application at such time, in such manner, and con-
17 taining such information as the Secretary may require, in-
18 cluding information relating to—

19 (1) previous experience of the eligible entity
20 measuring transportation access or other perform-
21 ance management experience;

22 (2) the types of important destinations to which
23 the eligible entity intends to measure access;

24 (3) the types of data disaggregation the eligible
25 entity intends to pursue;

1 (4) a general description of the methodology the
2 eligible entity intends to apply; and

3 (5) if the applicant does not intend the pilot
4 program to apply to the full area under the jurisdic-
5 tion of the applicant, a description of the geographic
6 area in which the applicant intends the pilot pro-
7 gram to apply.

8 (e) SELECTION.—

9 (1) IN GENERAL.—The Secretary shall seek to
10 achieve diversity of participants in the pilot program
11 by selecting a range of eligible entities that shall in-
12 clude—

13 (A) States;

14 (B) metropolitan planning organizations
15 that serve an area with a population of 200,000
16 people or fewer;

17 (C) metropolitan planning organizations
18 that serve an area with a population of over
19 200,000 people; and

20 (D) rural transportation planning organi-
21 zations.

22 (2) INCLUSIONS.—The Secretary shall seek to
23 ensure that, among the eligible entities selected
24 under paragraph (1) program participants rep-
25 resent—

1 (A) a range of capacity and previous expe-
2 rience with measuring transportation access;
3 and

4 (B) a variety of proposed methodologies
5 and focus areas for measuring level of access.

6 (f) DUTIES.—For each eligible entity participating in
7 the pilot program, the Secretary shall—

8 (1) develop or acquire an accessibility data set
9 described in subsection (b); and

10 (2) submit the data set to the eligible entity.

11 (g) METHODOLOGY.—In calculating the measures for
12 the data set under the pilot program, the Secretary shall
13 ensure that methodology is open source.

14 (h) AVAILABILITY.—The Secretary shall make an ac-
15 cessibility data set under the pilot program available to—

16 (1) units of local government within the juris-
17 diction of the eligible entity participating in the pilot
18 program; and

19 (2) researchers.

20 (i) REPORT.—Not later than 120 days after the last
21 date on which the Secretary submits data sets to the eligi-
22 ble entity under subsection (f), the Secretary shall submit
23 to Congress a report on the results of the program, includ-
24 ing the feasibility of developing and providing periodic ac-
25 cessibility data sets for all States, regions, and localities.

1 (j) FUNDING.—The Secretary shall carry out the
2 pilot program using amounts made available to the Sec-
3 retary for administrative expenses to carry out programs
4 under the authority of the Secretary.

5 (k) SUNSET.—The pilot program shall terminate on
6 the date that is 8 years after the date on which the pilot
7 program is implemented.

8 **SEC. 7. ENHANCED MOBILITY OF SENIORS AND INDIVID-**
9 **UALS WITH DISABILITIES.**

10 Section 5338(a)(2) of title 49, United States Code,
11 is amended by striking subparagraph (D) and inserting
12 the following:

13 “(D) \$450,000,000 for fiscal year 2022,
14 \$463,500,000 for fiscal year 2023,
15 \$477,405,000 for fiscal year 2024,
16 \$491,727,150 for fiscal year 2025, and
17 \$506,478,965 for fiscal year 2026 shall be
18 available to provide financial assistance for
19 services for the enhanced mobility of seniors
20 and individuals with disabilities under section
21 5310;”.

22 **SEC. 8. DEFINITIONS.**

23 In this Act:

1 (1) ADA.—The term “ADA” means the Ameri-
2 cans with Disabilities Act of 1990 (42 U.S.C. 12101
3 et seq.).

4 (2) STATE.—The term “State” means each of
5 the several States, the District of Columbia, and any
6 commonwealth, territory, or possession of the United
7 States.

8 (3) TRANSPORTATION NETWORK COMPANY.—
9 The term “transportation network company”—

10 (A) means a corporation, partnership, sole
11 proprietorship, or other entity, that uses an on-
12 line-enabled application or digital network to
13 connect riders to drivers affiliated with the enti-
14 ty in order for the driver to transport the rider
15 using a vehicle owned, leased, or otherwise au-
16 thorized for use by the driver to a point chosen
17 by the rider; and

18 (B) does not include a shared-expense car-
19 pool or vanpool arrangement that is not in-
20 tended to generate profit for the driver.

○