

118TH CONGRESS
1ST SESSION

S. _____

To increase accessible transportation for individuals with disabilities.

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ introduced the following bill; which was read twice and
referred to the Committee on _____

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 adults in the United
10 States has a disability.

1 (2) Section 2 of the Americans with Disabilities
2 Act of 1990 (42 U.S.C. 12101) recognized that indi-
3 viduals with disabilities face discrimination when
4 using transportation services and that Act sought to
5 provide “a clear and comprehensive national man-
6 date for the elimination of discrimination against in-
7 dividuals with disabilities”.

8 (3) 32 years after the enactment of the Ameri-
9 cans with Disabilities Act of 1990 (42 U.S.C. 12101
10 et seq.), individuals with disabilities continue to face
11 systemic discrimination and a lack of accessible
12 transportation options.

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

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

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

1 with disabilities to travel independently in their com-
2 munities.

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

4 (a) IN GENERAL.—Not later than 6 months after the
5 date of enactment of this Act, the Secretary shall establish
6 a one-stop paratransit pilot program (referred to in this
7 section as the “pilot program”).

8 (b) PURPOSE.—The purpose of the pilot program is
9 to develop or expand paratransit programs carried out
10 pursuant to the ADA to provide for 1 stop of at least 15
11 minutes outside of the vehicle during a paratransit trip
12 to prevent long wait times between multiple trips that un-
13 duly limit an individual’s ability to complete essential
14 tasks.

15 (c) ELIGIBLE ENTITIES.—

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

20 (A) the number of ADA paratransit trips
21 conducted each year;

22 (B) the requested time of each paratransit
23 trip;

24 (C) the scheduled time of each paratransit
25 trip;

1 (D) the actual pickup time for each para-
2 transit trip;

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

5 (F) any complaints received by a para-
6 transit rider;

7 (G) rider satisfaction with paratransit
8 services; and

9 (H) after the completion of the pilot pro-
10 gram, an assessment by the eligible entity of its
11 capacity to continue a one-stop program inde-
12 pendently.

13 (2) PREFERENCE.—The Secretary shall give
14 preference to entities that—

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

21 (B) plan to use agency personnel to imple-
22 ment the pilot program.

23 (d) APPLICATION.—To be eligible to participate in
24 the pilot program, an eligible entity shall submit to the
25 Secretary an application at such time, in such manner,

1 and containing such information as the Secretary may re-
2 quire, including information on—

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

5 (A) childcare or education facilities;

6 (B) pharmacies;

7 (C) grocery stores; and

8 (D) bank or ATM locations;

9 (2) methodology for informing the public of the
10 pilot program;

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

13 (4) if the applicant does not intend the pilot
14 program to apply to the full area under the jurisdic-
15 tion of the applicant, a description of the geographic
16 area in which the applicant intends the pilot pro-
17 gram to apply.

18 (e) SELECTION.—The Secretary shall seek to achieve
19 diversity of participants in the pilot program by selecting
20 a range of eligible entities that includes at least 5 of each
21 of the following:

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

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

1 (3) An eligible entity that provides transpor-
2 tation for rural communities.

3 (f) REPORT.—Not later than 3 months after the con-
4 clusion of the first 15 pilot projects carried out under this
5 section, the Secretary shall submit to Congress a report
6 on the results of the pilot program, including the feasi-
7 bility of developing and implementing one-stop programs
8 for all ADA paratransit services.

9 (g) FUNDING.—

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

13 (2) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to carry out
15 this section \$75,000,000 for each of fiscal years
16 2023 through 2027.

17 **SEC. 4. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-**
18 **WAY.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this Act, the Architectural and
21 Transportation Barriers Compliance Board, pursuant to
22 section 502(b)(3) of the Rehabilitation Act of 1973 (29
23 U.S.C. 792(b)(3)), shall publish final accessibility guide-
24 lines setting forth minimum standards for pedestrian fa-

1 cilities in the public right-of-way, including shared use
2 paths.

3 (b) ADOPTION OF REGULATIONS.—Not later than
4 180 days after the establishment of the guidelines pursu-
5 ant to subsection (a), the Secretary shall issue such regu-
6 lations as are necessary to adopt such guidelines.

7 **SEC. 5. REPORTING ACCESSIBILITY COMPLAINTS.**

8 (a) IN GENERAL.—The Secretary shall ensure that
9 an individual who believes that he or she or a specific class
10 of individuals has been subjected to discrimination on the
11 basis of disability by a public entity may, by himself or
12 herself or by an authorized representative, easily file a
13 complaint with the Department.

14 (b) PROCEDURES.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall imple-
16 ment procedures that allow an individual to submit a com-
17 plaint described in subsection (a) by phone, by mail-in
18 form, and online through the website of the Office of Civil
19 Rights of the Federal Transit Administration.

20 (c) NOTICE TO INDIVIDUALS WITH DISABILITIES.—
21 Not later than 18 months after the date of enactment of
22 this Act, the Secretary shall require that each public tran-
23 sit provider and contractor providing paratransit services
24 shall include on a publicly available website of the service

1 provider, any related mobile device application, and any
2 related online service—

3 (1) the telephone number, or a comparable elec-
4 tronic means of communication, for the disability as-
5 sistance hotline of the Office of Civil Rights of the
6 Federal Transit Administration;

7 (2) notice that a consumer can file a disability-
8 related complaint with the Office of Civil Rights of
9 the Federal Transit Administration;

10 (3) an active link to the website of the Office
11 of Civil Rights of the Federal Transit Administra-
12 tion for an individual to file a disability-related com-
13 plaint; and

14 (4) notice that an individual can file a dis-
15 ability-related complaint with the local transit agen-
16 cy and the process and any timelines for filing such
17 a complaint.

18 (d) INVESTIGATION OF COMPLAINTS.—Not later
19 than 60 days after the last day of each fiscal year, the
20 Secretary shall publish a report that lists the disposition
21 of complaints described in subsection (a), including—

22 (1) the number and type of complaints filed
23 with the Department;

24 (2) the number of complaints investigated by
25 the Department;

1 (3) the result of the complaints that were inves-
2 tigated by the Department, including whether the
3 complaint was resolved—

4 (A) informally;

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

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

9 (4) if a violation was issued for a complaint,
10 whether the Department resolved the noncompliance
11 by—

12 (A) reaching a voluntary compliance agree-
13 ment with the entity;

14 (B) referring the matter to the Attorney
15 General; or

16 (C) other means, which shall be described
17 in detail.

18 (e) REPORT.—Upon implementation of this section,
19 the Secretary shall, to the extent practicable, issue a re-
20 port composed of the information collected under this sec-
21 tion for the preceding 5 years.

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

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary shall establish

1 an accessibility data pilot program (referred to in this sec-
2 tion as the “pilot program”).

3 (b) PURPOSE.—In carrying out the pilot program,
4 the Secretary shall develop or procure an accessibility data
5 set and make that data set available to each eligible entity
6 selected to participate in the pilot program to improve the
7 transportation planning of such eligible entities by—

8 (1) measuring the level of access by multiple
9 transportation modes, including transportation net-
10 work companies, to important destinations, which
11 may include—

12 (A) jobs, including areas with a concentra-
13 tion of available jobs;

14 (B) health care facilities;

15 (C) child care services;

16 (D) educational and workforce training fa-
17 cilities;

18 (E) affordable housing;

19 (F) food sources; and

20 (G) connections between modes, including
21 connections to—

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

23 (ii) safe bicycling corridors; and

1 (iii) safe sidewalks that achieve com-
2 pliance with applicable requirements of the
3 ADA;

4 (2) disaggregating the level of access by mul-
5 tiple transportation modes by a variety of population
6 categories, which shall include—

7 (A) low-income populations;

8 (B) minority populations;

9 (C) age;

10 (D) disability, such as sensory, cognitive,
11 and physical disability, including wheelchair
12 users; and

13 (E) geographical location; and

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

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

18 (1) a State;

19 (2) a metropolitan planning organization; or

20 (3) a rural transportation planning organiza-
21 tion.

22 (d) APPLICATION.—To be eligible to participate in
23 the pilot program, an entity shall submit to the Secretary
24 an application at such time, in such manner, and con-

1 taining such information as the Secretary may require, in-
2 cluding information relating to—

3 (1) previous experience of the eligible entity
4 measuring transportation access or other perform-
5 ance management experience;

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

8 (3) the types of data disaggregation the eligible
9 entity intends to pursue;

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

12 (5) if the applicant does not intend the pilot
13 program to apply to the full area under the jurisdic-
14 tion of the applicant, a description of the geographic
15 area in which the applicant intends the pilot pro-
16 gram to apply.

17 (e) SELECTION.—

18 (1) IN GENERAL.—The Secretary shall seek to
19 achieve diversity of participants in the pilot program
20 by selecting a range of eligible entities that shall in-
21 clude—

22 (A) States;

23 (B) metropolitan planning organizations
24 that serve an area with a population of 200,000
25 people or fewer;

1 (C) metropolitan planning organizations
2 that serve an area with a population of over
3 200,000 people; and

4 (D) rural transportation planning organi-
5 zations.

6 (2) INCLUSIONS.—The Secretary shall seek to
7 ensure that, among the eligible entities selected
8 under paragraph (1), program participants rep-
9 resent—

10 (A) a range of capacity and previous expe-
11 rience with measuring transportation access;
12 and

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

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

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

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

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

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

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

4 (2) researchers.

5 (i) REPORT.—Not later than 120 days after the last
6 date on which the Secretary submits data sets to the eligi-
7 ble entity under subsection (f), the Secretary shall submit
8 to Congress a report on the results of the pilot program,
9 including the feasibility of developing and providing peri-
10 odic accessibility data sets for all States, regions, and lo-
11 calities.

12 (j) FUNDING.—The Secretary shall carry out the
13 pilot program using amounts made available to the Sec-
14 retary for administrative expenses to carry out programs
15 under the authority of the Secretary.

16 (k) SUNSET.—The pilot program shall terminate on
17 the date that is 8 years after the date on which the pilot
18 program is implemented.

19 **SEC. 7. DEFINITIONS.**

20 In this Act:

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

24 (2) DEPARTMENT.—The term “Department”
25 means the Department of Transportation.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Transportation.

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

7 (5) TRANSPORTATION NETWORK COMPANY.—

8 (A) IN GENERAL.—The term “transportation network company” means a corporation,
9 partnership, sole proprietorship, or other entity
10 that uses an online-enabled application or digital network to connect riders to drivers affiliated with the entity in order for the driver to
11 transport the rider using a vehicle owned, leased, or otherwise authorized for use by the
12 driver to a point chosen by the rider.

13 (B) EXCLUSIONS.—The term “transportation network company” does not include a
14 shared-expense carpool or vanpool arrangement
15 that is not intended to generate profit for the
16 driver.