

118TH CONGRESS  
1ST SESSION

# S. 1813

To increase accessible transportation for individuals with disabilities.

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IN THE SENATE OF THE UNITED STATES

JUNE 6, 2023

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

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## 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  
9 network company” means a corporation,  
10 partnership, sole proprietorship, or other entity  
11 that uses an online-enabled application or digital  
12 network to connect riders to drivers affiliated  
13 with the entity in order for the driver to  
14 transport the rider using a vehicle owned,  
15 leased, or otherwise authorized for use by the  
16 driver to a point chosen by the rider.

17           (B) EXCLUSIONS.—The term “transportation  
18 network company” does not include a  
19 shared-expense carpool or vanpool arrangement  
20 that is not intended to generate profit for the  
21 driver.

○