

118TH CONGRESS
1ST SESSION

H. R. 3845

To amend title 23, United States Code, to increase accessible transportation for individuals with disabilities.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2023

Ms. TITUS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, 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) 32 years after the enactment of the Ameri-
9 cans with Disabilities Act, individuals with disabil-
10 ities continue to face systemic discrimination and a
11 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 5 of each
17 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 2023 through 2027.

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

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

1 shall include on a publicly available website of the service
2 provider, any related mobile device application, and online
3 service—

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

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

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

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

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

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

1 (2) the number of complaints investigated by
2 the Department;

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

6 (A) informally;

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

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

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

14 (A) reaching a voluntary compliance agree-
15 ment with the entity;

16 (B) referring the matter to the Attorney
17 General; or

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

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

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

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

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

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

14 (A) jobs, including areas with a concentra-
15 tion of available jobs;

16 (B) health care facilities;

17 (C) child care services;

18 (D) educational and workforce training fa-
19 cilities;

20 (E) affordable housing;

21 (F) food sources; and

22 (G) connections between modes, including
23 connections to—

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

25 (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, including wheelchair users; and

12 (E) geographical location; and

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

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

17 (1) a State;

18 (2) a metropolitan planning organization; or

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

21 (d) APPLICATION.—To be eligible to participate in
22 the pilot program, an entity shall submit to the Secretary
23 an application at such time, in such manner, and con-
24 taining such information as the Secretary may require, in-
25 cluding information relating to—

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

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

6 (3) the types of data disaggregation the eligible
7 entity intends to pursue;

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

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

15 (e) SELECTION.—

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

20 (A) States;

21 (B) metropolitan planning organizations
22 that serve an area with a population of 200,000
23 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 program, includ-
9 ing the feasibility of developing and providing periodic ac-
10 cessibility data sets for all States, regions, and localities.

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

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

18 **SEC. 7. DEFINITIONS.**

19 In this Act:

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

23 (2) STATE.—The term “State” means each of
24 the several States, the District of Columbia, and any

1 commonwealth, territory, or possession of the United
2 States.

3 (3) TRANSPORTATION NETWORK COMPANY.—

4 The term “transportation network company”—

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

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

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