

111TH CONGRESS
2D SESSION

H. R. 6064

To provide certain rights to commuters who ride public transportation.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. RUPPERSBERGER introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To provide certain rights to commuters who ride public
transportation.

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 “Commuter Bill of
5 Rights Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act the following definitions
8 apply:

9 (1) **ELIGIBLE RECIPIENT.**—The term “eligible
10 recipient” means a provider of public transportation.

1 (2) PUBLIC TRANSPORTATION.—The term
2 “public transportation” means transportation by a
3 conveyance that provides regular and continuing
4 general or special transportation to the public, but
5 does not include schoolbus, charter, sightseeing, or
6 intercity bus transportation or intercity passenger
7 rail transportation provided by the entity described
8 in chapter 243 (or a successor to such entity).

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of Transportation.

11 **SEC. 3. COMMUTER TRANSIT RIGHTS COMMISSION.**

12 (a) ESTABLISHMENT.—There is established an inde-
13 pendent commission to be known as the “Commuter Tran-
14 sit Rights Commission” (hereinafter in this Act referred
15 to as the “Commission”).

16 (b) DUTIES OF THE COMMISSION.—The duties of the
17 Commission shall be—

18 (1) to evaluate current Federal rules and regu-
19 lations on commuter safety in emergency situations
20 that govern transit providers;

21 (2) to evaluate contingency plans that transit
22 providers use across the United States and identify
23 best practices; and

(3) to make recommendations to the Secretary of Transportation (referred to in this Act as the “Secretary”) pursuant to subsection (h).

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—Not later than 60 days after the date of enactment of this Act, the Commission, which shall be composed of 12 members, shall be appointed by the Secretary as follows:

(A) 2 members shall be commuters of public transportation.

(B) 2 members shall be experts in rail safety.

(C) 2 members shall be experts in water transportation.

(D) 2 members shall be employees of State transportation agencies.

(E) 2 members shall be experts in passenger safety.

(F) 2 members shall be experts in emergency medicine.

(2) RESTRICTION.—No employee of the Department of Transportation may serve as a member of the Commission.

1 (3) CHAIRPERSON.—The Chairperson of the
2 Commission shall be elected by the members at the
3 initial meeting.

4 (d) TERMS.—

5 (1) IN GENERAL.—Each member shall be ap-
6 pointed for the life of the commission.

7 (2) VACANCIES.—A vacancy on the Commission
8 shall be filled in the same manner as the original ap-
9 pointment.

10 (3) PAY AND TRAVEL EXPENSES.—

11 (A) PAY.—Except as provided in subpara-
12 graph (C), each member of the Commission
13 shall be paid at a rate equal to the daily equiva-
14 lent of the minimum annual rate of basic pay
15 for level IV of the Executive Schedule under
16 section 5315 of title 5, United States Code, for
17 each day, including travel time, during which he
18 or she is engaged in the actual performance of
19 duties vested in the Commission.

20 (B) TRAVEL EXPENSES.—Members shall
21 receive travel expenses, including per diem in
22 lieu of subsistence, in accordance with sub-
23 chapter I of chapter 57 of title 5, United States
24 Code.

1 (C) PROHIBITION OF COMPENSATION OF
2 FEDERAL EMPLOYEES.—Members of the Com-
3 mission who are full-time officers or employees
4 of the United States or Members of Congress
5 may not receive additional pay, allowances, or
6 benefits by reason of their service on the Com-
7 mission.

8 (e) MEETINGS.—

9 (1) INITIAL MEETING.—Not later than 30 days
10 after the date on which all members of the Commis-
11 sion are appointed, the Commission shall hold its
12 first meeting.

13 (2) SUBSEQUENT MEETINGS.—The commission
14 shall meet monthly at the call of the Chairperson.

15 (3) QUORUM.—A majority of the Commission
16 shall constitute a quorum but a lesser number may
17 hold hearings.

18 (f) STAFF.—The Chairperson may appoint and fix
19 the pay of additional personnel as the Chairperson con-
20 siders appropriate.

21 (g) POWERS OF THE COMMISSION.—

22 (1) HEARINGS AND SESSIONS.—The Commis-
23 sion may, for the purpose of carrying out this Act,
24 hold hearings, sit and act at times and places, take

1 testimony, and receive evidence as the Commission
2 considers appropriate.

3 (2) POWERS OF MEMBERS AND AGENTS.—Any
4 member or agent of the Commission may, if author-
5 ized by the Commission, take any action which the
6 Commission is authorized to take by this section.

7 (h) RECOMMENDATIONS.—

8 (1) COMMUTER BILL OF RIGHTS.—Not later
9 than 160 days after its initial meeting, the Commis-
10 sion shall make recommendations to the Secretary
11 that shall be known as the “Commuter Bill of
12 Rights”. The Commuter Bill of Rights shall include
13 the following:

14 (A) A list of situations in which a provider
15 of public transportation shall implement its con-
16 tingency plan.

17 (B) Recommendations for the minimum
18 standards that a contingency plan of a provider
19 of public transportation must meet, including
20 the following:

21 (i) Provision of food, water, rest-
22 rooms, ventilation, and medical services.

23 (ii) Distribution of critical information
24 to commuters on a disabled or delayed
25 train or other transit vehicle, including a

1 time frame for when commuters will be
2 permitted to exit such disabled or delayed
3 transit vehicle and how such commuters
4 will be redirected to their final destinations
5 in a timely manner.

6 (C) Recommendations for Federal regula-
7 tions on commuter safety in an emergency situ-
8 ation.

9 (2) PROCEDURE.—A majority of the Commis-
10 sion shall approve each recommendation before it is
11 included in the Commuter Bill of Rights and sub-
12 mitted to the Secretary.

13 (3) SUPPLEMENTAL REPORT.—The Commission
14 shall submit a supplemental report to the Secretary
15 along with the Commuter Bill of Rights that con-
16 tains all of the recommendations that the Commis-
17 sion considered, including those recommendations
18 that did not receive a majority vote for inclusion in
19 the Commuter Bill of Rights.

20 (i) TERMINATION.—The Commission shall terminate
21 on the date that the Commission submits the Commuter
22 Bill of Rights and supplemental report to the Secretary
23 under subsection (h).

1 **SEC. 4. GRANT PROGRAM.**

2 (a) AUTHORIZATION OF GRANT PROGRAM.—The
3 Secretary may provide grants on a competitive basis to
4 providers of public transportation to develop and imple-
5 ment contingency plans that fulfill the Commuter Bill of
6 Rights.

7 (b) APPLICATION.—

8 (1) IN GENERAL.—To be eligible to receive a
9 grant under this section, an eligible recipient shall
10 submit an application not later than 90 days after
11 the Secretary has issued a notice of availability at
12 such time and in such manner as the Secretary may
13 reasonably require.

14 (2) CONTINGENCY PLAN IMPLEMENTATION.—
15 An eligible recipient shall include in its application
16 a cost estimate of implementing the contingency
17 plan to fulfill the Consumer Bill of Rights.

18 (3) CERTIFICATION.—When submitting an ap-
19 plication, a provider of public transportation shall
20 certify to the Secretary that the provider will imple-
21 ment its contingency plan not later than 90 days
22 after receiving a grant under this section.

23 (d) AMOUNT OF GRANTS.—An eligible recipient may
24 only receive one grant under this section. The amount of
25 such grant shall be the greater of \$50,000 or 50 percent
26 of the total amount of costs estimated in implementing

1 the Commuter Bill of Rights as determined by the Sec-
2 retary.

3 **SEC. 5. DUTIES OF THE SECRETARY.**

4 (a) IN GENERAL.—The Secretary shall review the
5 Commuter Bill of Rights submitted by the Commission
6 under section 3 and issue regulations to require providers
7 of public transportation to comply with the standards rec-
8 ommended by the Commuter Bill of Rights.

9 (b) FEDERAL POLICIES.—The Secretary shall use the
10 Bill of Rights as recommended by the Commission to de-
11 velop federal policies that will require compliance with the
12 Bill of Rights by commuter transit providers. Such policies
13 shall include—

14 (1) a requirement for providers of public trans-
15 portation to submit for approval by the Secretary a
16 proposed contingency plan meeting minimum stand-
17 ards according to the Bill of Rights;

18 (2) a requirement that contingency plans be re-
19 viewed and updated as necessary and re-submitted
20 to the Secretary every 5 years; and

21 (3) a requirement that providers of public
22 transportation comply with the final rule issued pur-
23 suant to subsection (a) not later than 180 days after
24 the rule is issued under subsection (a).

1 (c) PENALTIES AND SANCTIONS.—The Secretary
2 may assess appropriate penalties or sanctions for non-
3 compliance as determined by the Secretary against pro-
4 viders of public transportation who fail to submit, obtain
5 approval of, or adhere to its contingency plan.

6 (d) BILL OF RIGHTS TO CONGRESS.—When the Sec-
7 retary receives the Consumer Bill of Rights from the Com-
8 mittee, the Secretary shall forward a copy of such bill of
9 rights to Congress.

10 (e) CONSUMER HOTLINE.—The Secretary shall es-
11 tablish a consumer hotline telephone number for public
12 transportation complaints in which the Secretary responds
13 to consumer complaints not later than 30 days after sub-
14 mission of a complaint.

15 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Sec-
17 retary, such sums as may be necessary to carry out this
18 Act, to remain available until expended.

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