

114TH CONGRESS
1ST SESSION

H. R. 4082

To coordinate transportation services for transportation-disadvantaged individuals.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2015

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

A BILL

To coordinate transportation services for transportation-disadvantaged individuals.

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 “Coordinating Trans-
5 portation Services for Transportation Disadvantaged Indi-
6 viduals Act of 2015”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act, the following definitions apply:

9 (1) **TRANSPORTATION-DISADVANTAGED INDIVIDUAL.**—The
10 term “transportation-disadvantaged

individual” means an individual who requires the use of public transportation, but has difficulty accessing public transportation due to disability, income level, age, or veteran status.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) COUNCIL.—The term “Council” means the New Interagency Transportation Coordinating Council on Access and Mobility established under section 3.

(4) DISABILITY.—The term “disability” has the meaning given such term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(5) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “executive agency” in section 105 of title 5, United States Code.

(6) PURCHASING AGENCY.—The term “purchasing agency” means a department or agency of a State or local government that purchases transpor-

1 tation services for transportation-disadvantaged indi-
2 viduals.

3 (7) STATE.—The term “State” has the mean-
4 ing given such term in section 101 of title 23,
5 United States Code.

6 (8) STATE TRANSPORT COORDINATING COMMIS-
7 SION.—The term “State Transport Coordinating
8 Commission” means a commission established pur-
9 suant to section 4.

10 **SEC. 3. ESTABLISHMENT OF FEDERAL INTERAGENCY**
11 **TRANSPORTATION COORDINATING COUNCIL**
12 **ON ACCESS AND MOBILITY.**

13 (a) ESTABLISHMENT.—There is established in the
14 Department of Transportation a council to be known as
15 the “New Interagency Transportation Coordinating Coun-
16 cil on Access and Mobility”.

17 (b) DUTIES OF COUNCIL.—

18 (1) IN GENERAL.—The Council shall coordinate
19 transportation services to transportation-disadvan-
20 tagged individuals in a manner that is cost effective,
21 efficient, and minimizes the fragmentation and du-
22 plication of such services.

23 (2) DUTIES.—The Council shall carry out the
24 following activities:

1 (A) STRATEGIC PLAN.—Develop, and up-
2 date every 2 years, a written strategic plan that
3 identifies Federal agency roles and responsibil-
4 ities and measurable outcomes, including—

5 (i) the promotion of interagency co-
6 operation and the establishment of appro-
7 priate mechanisms to minimize duplication
8 and overlap of Federal programs and serv-
9 ices so that transportation-disadvantaged
10 individuals have access to more transpor-
11 tation services;

12 (ii) the alignment of the goals of re-
13 ducing fragmentation, overlap, and dupli-
14 cation of services with benefits, including
15 increased efficiency;

16 (iii) the formulation and implementa-
17 tion of administrative, policy, and proce-
18 dural mechanisms that enhance transpor-
19 tation services at all levels; and

20 (iv) the development and implementa-
21 tion of a method for monitoring progress
22 on achieving the purposes of this Act, in-
23 cluding the implementation of the func-
24 tions and requirements of the State Trans-
25 port Coordinating Commissions.

1 (B) JOINT COST-SHARING POLICY.—Not
2 later than 90 days after the date of enactment
3 of this Act, develop a joint cost-sharing policy
4 among Federal agencies with representatives on
5 the Council that provides clear guidance to
6 State and local governments regarding the ap-
7 propriate allocation of costs to each Federal
8 agency.

9 (C) PROGRAM INVENTORY.—Maintain an
10 inventory of all Federal programs that provide
11 transportation services to transportation-dis-
12 advantaged individuals.

13 (D) PARTNERSHIPS WITH STATE TRANS-
14 PORT COORDINATING COMMISSIONS.—Partner
15 with State Transport Coordinating Commis-
16 sions and aid such commissions in coordinating
17 transportation services for transportation-dis-
18 advantaged individuals, including—

19 (i) establishing best practices for the
20 coordination by State and local govern-
21 ments of transportation services to trans-
22 portation-disadvantaged individuals;

23 (ii) facilitating access to the most ap-
24 propriate and cost-effective transportation
25 services using available resources;

(iii) encouraging enhanced access to the variety of transportation and resources available; and

(iv) advising each State Transport Coordinating Commission, upon the request of the State, with regard to the establishment of guidelines and procedures for the coordination of transportation services for transportation-disadvantaged individuals.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of each of the following Federal officials or the designee of such official:

(A) Secretary of Agriculture.

(B) Secretary of Education.

(C) Secretary of Health and Human Services.

(D) Secretary of Housing and Urban Development.

(E) Secretary of the Interior.

(F) Secretary of Labor.

(G) Secretary of Transportation.

(H) Secretary of Veterans Affairs.

(I) Attorney General of the United States.

(J) Commissioner of Social Security.

1 (K) Any other Federal official that the
2 Chairperson determines to have activities rel-
3 evant to the duties of the Council.

4 (2) CRITERIA FOR SELECTION OF DES-
5 IGNEES.—The designee of an official described in
6 subparagraphs (A) through (K) of paragraph (1)
7 shall be an officer or employee of that official's
8 agency serving in a position with pay equal to or
9 greater than the minimum rate payable for GS-15
10 of the General Schedule.

11 (3) TERMS.—Each member shall serve for the
12 life of the Council.

13 (4) PROHIBITION ON COMPENSATION OF MEM-
14 BERS.—Members of the Council may not receive
15 pay, allowances, or benefits by reason of their serv-
16 ice on the Council.

17 (5) TRAVEL EXPENSES.—Each member of the
18 Council shall receive travel expenses, including per
19 diem in lieu of subsistence in accordance with appli-
20 cable provisions under subchapter I of chapter 57 of
21 title 5, United States Code.

22 (6) QUORUM.—Two-thirds of the members of
23 the Council shall constitute a quorum but a lesser
24 number may hold hearings.

1 (7) CHAIRPERSON.—The Secretary of Trans-
2 portation, or the Secretary’s designee, shall serve as
3 the Chairperson of the Council.

4 (8) MEETINGS.—The first meeting of the Coun-
5 cil shall take place not later than 90 days after the
6 date of the enactment of this Act. Thereafter the
7 Council shall meet quarterly and may also meet at
8 the call of the Chairperson or a majority of its mem-
9 bers.

10 (9) TERMINATION.—The Council shall termi-
11 nate 1 year after the expiration of all transportation-
12 disadvantaged programs, as determined by the Sec-
13 retary of Transportation.

14 (d) STAFF OF COUNCIL.—

15 (1) IN GENERAL.—The Chairperson may ap-
16 point and fix the pay of personnel as the Chair-
17 person considers appropriate.

18 (2) STAFF OF FEDERAL AGENCIES.—Upon re-
19 quest of the Chairperson, the head of any Federal
20 agency may detail on a reimbursable basis, any of
21 the personnel of that department or agency to the
22 Council to assist it in carrying out its duties under
23 this Act.

24 (e) POWERS OF COUNCIL.—

1 (1) HEARINGS AND SESSIONS.—The Council
2 may sit and act at times and places, take testimony,
3 and receive evidence as the Council considers appro-
4 priate to carry out the duties of the Council under
5 this Act.

6 (2) POWERS OF MEMBERS AND AGENTS.—Any
7 member or agent of the Council may, if authorized
8 by the Council, take any action which the Council is
9 authorized to take by this Act.

10 (3) OBTAINING OFFICIAL DATA.—The Council
11 may secure directly from any Federal agency infor-
12 mation necessary to enable it to carry out this Act.
13 Upon request of the Chairperson of the Council the
14 head of that department or agency shall furnish the
15 requested information to the Council.

16 (4) CONTRACT AUTHORITY.—To the extent or
17 in the amounts provided in advance in appropriation
18 Acts, the Council may contract with and compensate
19 government and private agencies or persons for serv-
20 ices related to the duties of the Council.

21 (f) REPORT TO CONGRESS.—

22 (1) IN GENERAL.—The Council shall submit to
23 the appropriate committees of Congress a report
24 containing the information described in paragraph

1 (2) not later than 1 year after the date of the enact-
2 ment of this Act, and annually thereafter.

3 (2) CONTENTS OF REPORT.—The report re-
4 quired by paragraph (1) shall—

5 (A) contain the strategic plan developed
6 under subsection (b)(2)(A);

7 (B) identify Federal, State, and local laws,
8 regulations, and procedures that have proven to
9 be most useful and appropriate in coordinating
10 transportation services for transportation-dis-
11 advantaged individuals;

12 (C) identify Federal, State, and local laws,
13 regulations, and procedures, if any, that have
14 impeded the coordination of transportation
15 services to transportation-disadvantaged indi-
16 viduals and recommend changes to such laws,
17 regulations, and procedures that would remove
18 impediments and facilitate greater coordination
19 of transportation services to transportation-dis-
20 advantaged individuals;

21 (D) describe, on a Federal agency and pro-
22 gram basis, steps taken to reduce the duplica-
23 tion of and enhance coordination among trans-
24 portation services to transportation-disadvan-
25 taged individuals and the benefits realized as a

1 result of reduced fragmentation, overlap, and
2 duplication of services;

3 (E) describe the progress of each State in
4 meeting the requirements of section 4; and

5 (F) provide any other recommendation
6 that would advance the goal of coordinating and
7 reducing the duplication of transportation serv-
8 ices to transportation-disadvantaged individuals.

9 **SEC. 4. STATE COORDINATING COMMISSIONS FOR TRANS-**
10 **PORTATION-DISADVANTAGED INDIVIDUALS.**

11 (a) STATE REQUIREMENTS.—A State meets the re-
12 quirements of this section if it establishes a commission
13 described in subsections (b) through (e).

14 (b) STATE TRANSPORT COORDINATING COMMIS-
15 SION.—

16 (1) IN GENERAL.—The State Transport Coordi-
17 nating Commission shall coordinate transportation
18 for transportation-disadvantaged individuals within
19 the State.

20 (2) DUTIES.—The State Transport Coordi-
21 nating Commission shall carry out the following ac-
22 tivities:

23 (A) Compile all available information on
24 the transportation operations for and needs of

1 transportation-disadvantaged individuals in the
2 State.

3 (B) Establish statewide objectives for co-
4 ordinating transportation services for transpor-
5 tation-disadvantaged individuals.

6 (C) Develop written policies and proce-
7 dures for the coordination of Federal, State,
8 and local government funding for transpor-
9 tation-disadvantaged individuals.

10 (D) Identify barriers prohibiting the co-
11 ordination and accessibility of transportation
12 services to transportation-disadvantaged indi-
13 viduals and aggressively pursue the elimination
14 of such barriers.

15 (E) Establish a clearinghouse for informa-
16 tion about services for transportation-disadvan-
17 taged individuals, including training, funding
18 sources, innovations, and coordination efforts.

19 (F) Assist communities in developing
20 transportation systems designed to serve trans-
21 portation-disadvantaged individuals.

22 (G) Verify that the procedures, guidelines,
23 and directives issued by purchasing agencies are
24 conducive to the coordination of transportation

1 services for transportation-disadvantaged indi-
2 viduals.

3 (H) Verify that purchasing agencies pur-
4 chase all trips within transportation systems
5 that serve transportation-disadvantaged individ-
6 uals, unless such agencies use more cost-effec-
7 tive alternative providers that meet comparable
8 quality and standards.

9 (I) Develop a written strategic plan that
10 addresses the transportation problems and
11 needs of transportation-disadvantaged individ-
12 uals for the 5-year period beginning on the date
13 of the enactment of this Act. Such plan shall be
14 fully coordinated with local government transit
15 plans, compatible with local government com-
16 prehensive plans, and shall provide that the
17 most cost-effective and efficient methods of pro-
18 viding transportation to transportation-dis-
19 advantaged individuals are programmed for de-
20 velopment.

21 (c) REPORT TO COUNCIL.—Not later than 1 year
22 after the date of the establishment of the State Transport
23 Coordinating Commission, such commission shall submit
24 to the Council a report containing the strategic plan devel-
25 oped under subsection (b)(2)(I).

1 (d) MEMBERSHIP.—

2 (1) NUMBER AND APPOINTMENT.—The State
3 Transport Coordinating Commission shall be com-
4 posed of members appointed by the chief executive
5 of the State (hereafter in this section referred to as
6 the “chief executive”), in accordance with State law.

7 (2) COMPOSITION.—

8 (A) IN GENERAL.—In appointing members
9 to the State Transport Coordinating Commis-
10 sion, the chief executive shall ensure that not
11 less than two-thirds of such members have sig-
12 nificant experience in the operation of a busi-
13 ness and should seek to appoint members who
14 reflect the racial, ethnic, geographical, and gen-
15 der diversity of the State population.

16 (B) RESIDENCY REQUIREMENT.—Each
17 member must be a resident of the State in
18 which the State Transport Coordinating Com-
19 mission is established.

20 (C) DISABLED MEMBERS.—Not less than 2
21 members shall be individuals who have a dis-
22 ability and who regularly use a transportation
23 system for transportation-disadvantaged indi-
24 viduals.

1 (D) SENIOR CITIZEN MEMBER.—Not less
2 than 1 member shall have attained the age of
3 65 years before serving on the State Transport
4 Coordinating Commission.

5 (E) VETERAN MEMBER.—Not less than 1
6 member shall be a veteran who regularly uses
7 a transportation system for transportation-dis-
8 advantaged individuals.

9 (F) PURCHASING AGENCIES.—The head of
10 a State government agency or department that
11 purchases nonemergency medical transportation
12 services shall be a member.

13 (G) SECRETARY OF TRANSPORTATION.—
14 The State's Secretary of Transportation (or
15 equivalent official) shall be a member.

16 (e) EX OFFICIO ADVISORS.—Additional government
17 officials that the chief executive or State legislature may
18 designate shall serve as ex officio, nonvoting advisors to
19 the State Transport Coordinating Commission.

20 (f) ORGANIZATION AND ADMINISTRATION.—The
21 chief executive shall—

22 (1) issue regulations or bylaws to ensure that
23 no member of the State Transport Coordinating
24 Commission has a financial stake in the provision of

1 services to transportation-disadvantaged individuals;
2 and

3 (2) determine the organization of the State
4 Transport Coordinating Commission, including—

5 (A) the selection of a chairperson or direc-
6 tor;

7 (B) the rate of compensation or per diem;

8 (C) the number of members that constitute
9 a quorum;

10 (D) the development of a budget;

11 (E) staffing;

12 (F) the establishment of subgroups; and

13 (G) any other policy, procedure, or per-
14 sonnel matters that the chief executive deter-
15 mines to be necessary to meet the goals of the
16 State Transport Coordinating Commission.

17 (g) WITHHOLDING OF FUNDS FOR NONCOMPLI-
18 ANCE.—

19 (1) IN GENERAL.—The Secretary of Transpor-
20 tation shall withhold 1 percent of the amount re-
21 quired to be apportioned to a State under each of
22 paragraphs (1) and (2) of section 104(b) of title 23,
23 United States Code, on the first day of each fiscal
24 year beginning after September 30, 2016, if the

1 State does not meet the requirements of this section
2 on such day.

3 (2) EFFECT OF WITHHOLDING FUNDS.—Funds
4 withheld from apportionment to a State under para-
5 graph (1) shall lapse.

6 **SEC. 5. ADDITIONAL AGENCY REQUIREMENTS.**

7 (a) ACCOUNTING OF TRANSPORTATION SERVICES.—
8 Each Federal agency shall keep an accounting of all ex-
9 penditures directly related to the provision of transpor-
10 tation services for transportation-disadvantaged individ-
11 uals.

12 (b) LIMITATION ON CAPITAL INVESTMENTS.—Not-
13 withstanding any other provision of law, no Federal agen-
14 cy may make capital investments for the purpose of pro-
15 viding transportation services to transportation-disadvan-
16 taged individuals.

17 **SEC. 6. TERMINATION OF EXISTING COUNCIL.**

18 The Interagency Transportation Coordinating Coun-
19 cil on Access and Mobility established pursuant to Execu-
20 tive Order 13330 dated February 24, 2004, shall termi-
21 nate upon the enactment of this Act.

22 **SEC. 7. RULES OF CONSTRUCTION.**

23 (a) CONSTRUCTION WITH OLDER AMERICANS
24 ACT.—Nothing in this Act shall be construed in such a
25 manner to change or otherwise invalidate any require-

1 ments of the Older Americans Act of 1965 (42 U.S.C.
2 3001 et seq.).

3 (b) INTERSTATE TRANSPORTATION SERVICES.—

4 Nothing in this Act shall be construed in such a manner
5 to prohibit the coordination of transportation services for
6 transportation-disadvantaged individuals across State
7 lines.

8 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the De-
10 partment of Transportation for each of the fiscal years
11 2016 through 2021 such sums as may be necessary to
12 carry out this Act.

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