An act to amend Section 99155.5 of the Public Utilities Code, relating to public transit.

LEGISLATIVE COUNSEL’S DIGEST

AB 1351, as amended, Lackey. Transit operators: paratransit and dial-a-ride services: assessment.

Existing law requires a for-profit or nonprofit transit operator that receives funds through the Mills-Alquist-Deddeh Act and that provides dial-a-ride or paratransit service to provide those services consistent with certain requirements. Existing law requires a transit operator to honor any current valid identification card for the type of transportation service or discount requested and that has been issued to an individual with disabilities by another transit operator. Existing law establishes in state government the Transportation Agency, which consists of various state entities, including the Department of Transportation.

This bill would require the agency, in consultation with public transit operators, to conduct an assessment of the procedures public transit operators use to provide dial-a-ride and paratransit services to individuals with disabilities who are visiting their service territories and are certified to use another in-state public transit operator’s similar dial-a-ride and paratransit services. The bill would require the agency to publish the assessment on its internet website on or before October 1, 2020. The bill would authorize the agency, after conducting and publishing the assessment, to adopt guidelines for the development of
a statewide reciprocity program to enable individuals with disabilities who a public transit operator has certified to use its dial-a-ride and paratransit services to use another in-state public transit operator’s similar dial-a-ride and paratransit services.

Under the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, revenues from a 1/4% sales tax in each county are, among other things, available for allocation by the transportation planning agency to transit operators and for community transit services. Existing law requires a for-profit or nonprofit transit operator that receives funds through the Mills-Alquist-Deddeh Act and that provides dial-a-ride or paratransit service to provide those services consistent with certain requirements. Before approving a claim for funds available for community transit services, existing law requires a transportation planning agency to make findings that the transit operator is in compliance with the requirements applicable to providing dial-a-ride or paratransit service. Existing law prohibits a transportation planning agency from allocating any funds to a transit operator not in compliance with these provisions.

This bill would also require a for-profit or nonprofit transit operator that receives funds through the Mills-Alquist-Deddeh Act and that provides dial-a-ride or paratransit service to (1) determine the eligibility of an applicant for those services within 7 days following the submission of a complete application, as specified, (2) provide service to an eligible person at any requested time on a particular day in response to a request for service made the previous day, and (3) allow a person who has been determined eligible by another transit operator to submit any proof of that eligibility electronically and, upon receipt of that information, to provide service to that person. By requiring a transportation planning agency to make findings that a transit operator is in compliance with these new requirements when reviewing a claim, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 99155.6 is added to the Public Utilities Code, to read:
99155.6. (a) The Transportation Agency, in consultation with public transit operators, shall conduct an assessment of the procedures public transit operators use to provide dial-a-ride and paratransit services to individuals with disabilities who are visiting their service territories and are certified to use another in-state public transit operator’s similar dial-a-ride and paratransit services, to the extent available. The assessment shall include, but not be limited to, timelines and methods for qualifying individuals to submit certification documents, including by electronic submission, to transit operators.
(b) On or before October 1, 2020, the Transportation Agency shall publish the assessment on its internet website.
(c) After conducting and publishing the assessment, the Transportation Agency may adopt guidelines for the development of a statewide reciprocity program to enable individuals with disabilities who a public transit operator has certified to use its dial-a-ride and paratransit services to use another in-state public transit operator’s similar dial-a-ride and paratransit services, to the extent available.

SECTION 1. Section 99155.5 of the Public Utilities Code is amended to read:
99155.5. (a) The Legislature intends that dial-a-ride and paratransit services be accessible to disabled persons, as defined in Section 99206.5. It is intended that transportation service be provided for employment, education, medical, and personal reasons. Transportation for individuals with disabilities is a necessity, and allows these persons to fully participate in our society.
The Legislature finds and declares that the term “paratransit,” as used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336), refers to transportation services with specific criteria of quality and quantity, and which are required to be made available to limited classes of persons based on eligibility categories; this is often referred to as “ADA paratransit” or “complementary paratransit.” The Legislature finds and declares that the terms “paratransit” and “dial-a-ride,” as used in the laws
of this state, apply to a broader range of transportation services subject to higher standards and that not all individuals with disabilities under the laws of this state are eligible for “ADA paratransit” under the federal law.

(b) Each transit operator, for-profit or nonprofit, that provides, or contracts for the provision of, dial-a-ride or paratransit service for individuals with disabilities and that receives public funding pursuant to the Mills-Alquist-Deddeh Act (Chapter 4 (commencing with Section 99200)) for that service shall do all of the following:

(1) Provide the service without regard to either of the following:
   (A) Whether the person is a member of a household that owns a motor vehicle.
   (B) Whether the place of residence of the person who requests transportation service is within the service area of the provider.

   To the extent that they are eligible for the specified service requested, all persons requesting transportation service in the service area of the provider shall be provided service on the same terms and at the same price that service is provided to other persons residing within the service area of the provider.

(2) Determine the eligibility of an applicant for service within seven days following the submission of a complete application. If the transit operator has not made a determination before this deadline, the applicant shall be treated as eligible and provided service unless the transit operator later determines the person is not eligible.

(3) Provide service to an eligible person at any requested time on a particular day in response to a request for service made the previous day.

(4) Allow a person who has been determined eligible by another transit operator to submit any proof of that eligibility electronically and, upon receipt of that information, provide service to that person.

(c) Subdivision (b) does not preclude a provider from offering a subscription service, and does not require a reduction in the amount the provider charges other public or private agencies.

(d) Except as required by the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted pursuant thereto or by higher standards prescribed by the laws of this state, nothing in this section requires any transit operator that provides service to individuals with disabilities in a manner
consistent with subdivision (b) to make those services available
outside the operator's established operating service area, or requires
the operator to make the presentation of identification a condition
to using the service.

(e) A transit operator shall honor any current identification card
that is valid for the type of transportation service or discount
requested and that has been issued to an individual with disabilities
by another transit operator.

(f) Any person who believes an operator has violated Section
99155 or this section may file a report of the alleged violation with
the transportation planning agency or county transportation
commission. Any individual with disabilities may request the
Attorney General to resolve any dispute as to compliance with
Section 99155 or this section.

SEC. 2. If the Commission on State Mandates determines that
this act contains costs mandated by the state, reimbursement to
local agencies and school districts for those costs shall be made
pursuant to Part 7 (commencing with Section 17500) of Division
4 of Title 2 of the Government Code.