

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend chapter 53 of title 49, United States Code, to provide competitive grants to assist State and local governmental authorities in addressing accessibility needs of legacy rail fixed guideway public transportation systems.

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IN THE SENATE OF THE UNITED STATES

Ms. DUCKWORTH (for herself, Mr. BROWN, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend chapter 53 of title 49, United States Code, to provide competitive grants to assist State and local governmental authorities in addressing accessibility needs of legacy rail fixed guideway public transportation systems.

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 “All Station Accessi-  
5 bility Program Act of 2021” or the “ASAP Act”.

1 **SEC. 2. COMPETITIVE GRANTS FOR ACCESSIBILITY UP-**  
2 **GRADES TO LEGACY RAIL FIXED GUIDEWAY**  
3 **PUBLIC TRANSPORTATION SYSTEMS.**

4 (a) IN GENERAL.—Chapter 53 of title 49, United  
5 States Code, is amended by inserting after section 5315  
6 the following:

7 **“§ 5316. Accessibility grants for legacy rail fixed**  
8 **guideway public transportation systems**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘center for independent living’  
11 has the meaning given the term in section 702 of the  
12 Rehabilitation Act of 1973 (29 U.S.C. 796a);

13 “(2) the term ‘disability’ has the meaning given  
14 the term in section 3 of the Americans with Disabil-  
15 ities Act of 1990 (42 U.S.C. 12102);

16 “(3) the term ‘eligible entity’ means a State or  
17 local governmental authority;

18 “(4) the term ‘legacy rail fixed guideway public  
19 transportation system’—

20 “(A) means a rail fixed guideway public  
21 transportation system that was in operation be-  
22 fore July 26, 1990; and

23 “(B) includes a commuter rail system that  
24 uses stations or facilities for passenger use con-  
25 structed before the date described in subpara-  
26 graph (A); and

1           “(5) the term ‘protection and advocacy system’  
2           means such a system established in accordance with  
3           section 143 of the Developmental Disabilities Assist-  
4           ance and Bill of Rights Act of 2000 (42 U.S.C.  
5           15043).

6           “(b) GRANTS.—The Secretary may make grants  
7           under this section to assist eligible entities in financing  
8           capital projects to upgrade the accessibility of legacy rail  
9           fixed guideway public transportation systems for persons  
10          with disabilities, including those who use wheelchairs, by  
11          increasing the number of existing (as of the date of enact-  
12          ment of the ASAP Act) stations or facilities for passenger  
13          use that meet (including exceeding) the new construction  
14          standards of title II of the Americans with Disabilities Act  
15          of 1990 (42 U.S.C. 12131 et seq.).

16          “(c) ELIGIBLE COSTS.—

17                  “(1) IN GENERAL.—Subject to paragraph (2),  
18                  an eligible entity may use a grant awarded under  
19                  this section—

20                          “(A) for a project to repair, improve, or re-  
21                          locate infrastructure of stations or facilities for  
22                          passenger use, including load-bearing members  
23                          that are an essential part of the structural  
24                          frame;

1           “(B) to develop or modify a plan for pur-  
2           suing public transportation accessibility  
3           projects, including—

4                   “(i) assessments of accessibility or as-  
5                   sessments of planned modifications to sta-  
6                   tions or facilities for passenger use, per-  
7                   formed by the protection and advocacy sys-  
8                   tem for persons with disabilities in the ap-  
9                   plicable State, a center for independent liv-  
10                  ing, or a similar nonprofit organization fo-  
11                  cused on ensuring people with disabilities  
12                  are able to live in and participate in their  
13                  communities; or

14                   “(ii) coordination by the recipient  
15                   with such protection and advocacy system,  
16                   center for independent living, or similar  
17                   nonprofit organization; or

18           “(C) to carry out other projects that meet  
19           (including exceeding) the new construction  
20           standards of title II of the Americans with Dis-  
21           abilities Act of 1990.

22           “(2) LIMITATION.—Eligible costs for a project  
23           funded with a grant awarded under this section shall  
24           be limited to the costs associated with carrying out  
25           the purpose authorized under subsection (b).

1           “(d) ELIGIBLE STATIONS OR FACILITIES FOR PAS-  
2 Senger USE.—An eligible entity—

3           “(1) may not use a grant awarded under this  
4 section to upgrade a station or facility for passenger  
5 use that is accessible to and usable by individuals  
6 with disabilities, including individuals who use  
7 wheelchairs, consistent with current (as of the date  
8 of the upgrade) new construction standards under  
9 title II of the Americans with Disabilities Act of  
10 1990 (42 U.S.C. 12131 et seq.); and

11           “(2) may use the grant to upgrade a station or  
12 facility for passenger use that is not accessible and  
13 usable as described in paragraph (1), even if the re-  
14 lated service, program, or activity, when viewed in  
15 its entirety, is readily accessible and usable as so de-  
16 scribed.

17           “(e) ACCESSIBILITY COMMITMENT.—An eligible enti-  
18 ty that receives a grant under this section shall adopt a  
19 plan under which the entity commits to pursuing public  
20 transportation accessibility projects that—

21           “(1) enhance the customer experience and  
22 maximize accessibility of rolling stock and stations  
23 or facilities for passenger use for individuals with  
24 disabilities, including—

1           “(A) accessibility for individuals with phys-  
2           ical disabilities, including those who use wheel-  
3           chairs;

4           “(B) accessibility for individuals with sen-  
5           sory disabilities; and

6           “(C) accessibility for individuals with intel-  
7           lectual or developmental disabilities;

8           “(2) improve the operations of, provide effi-  
9           ciencies of service to, and enhance the public trans-  
10          portation system for individuals with disabilities; and

11          “(3) address equity of service to all riders re-  
12          gardless of income, age, race, or ability, taking into  
13          account historical and current service gaps for low-  
14          income riders, older individuals, riders from commu-  
15          nities of color, and riders with disabilities.

16          “(f) COORDINATION WITH DISABILITY ADVOCACY  
17 ENTITIES.—In administering grants under this section,  
18 the Secretary shall encourage—

19          “(1) coordination between recipients and dis-  
20          ability advocacy entities such as the protection and  
21          advocacy system for persons with disabilities in the  
22          applicable State, a center for independent living, or  
23          a similar nonprofit organization focused on ensuring  
24          people with disabilities are able to live in and partici-  
25          pate in their communities; and

1           “(2) assessments of accessibility or assessments  
2 of planned modifications to stations or facilities for  
3 passenger use, performed by such an advocacy enti-  
4 ty, to the extent merited by the scope of the capital  
5 project of the recipient proposed to be assisted under  
6 this section.

7           “(g) GOVERNMENT SHARE OF COSTS.—A grant for  
8 a project under this section shall be for 90 percent of the  
9 net project cost of the project. The recipient may provide  
10 additional local matching amounts.”.

11           (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 5338 of title 49, United States Code, is amended—

13           (1) by redesignating subsections (g) and (h) as  
14 subsections (h) and (i), respectively; and

15           (2) by inserting after subsection (f) the fol-  
16 lowing:

17           “(g) ACCESSIBILITY GRANTS FOR LEGACY RAIL  
18 FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS.—  
19 There are authorized to be appropriated to carry out sec-  
20 tion 5316, \$1,000,000,000 for fiscal year 2022 and each  
21 fiscal year thereafter.”.

22           (c) TECHNICAL AND CONFORMING AMENDMENT.—  
23 The table of sections for chapter 53 of title 49, United  
24 States Code, is amended by inserting after the item relat-  
25 ing to section 5315 the following:

“5316. Accessibility grants for legacy rail fixed guideway public transportation systems.”.