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HOUSE BILL 2802

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Takko, Dunn, Appleton, Wallace, McCune, Blake, Morrell, McDonald, Hasegawa, Kagi and Moeller

Read first time 01/13/2006. Referred to Committee on Transportation.

1            AN ACT Relating to providing paratransit bus services for  
2 individuals with disabilities; adding a new chapter to Title 81 RCW;  
3 and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The legislature finds that maintaining  
6 existing boundaries of paratransit bus services for individuals with  
7 disabilities is necessary to prevent the loss of such services in the  
8 event a transit agency removes fixed routes or alters those routes.

9            NEW SECTION.    **Sec. 2.** The definitions in this section apply  
10 throughout this chapter unless the context clearly requires otherwise.

11            (1) "Fixed route system" means a system of transporting individuals  
12 (other than by aircraft), including the provision of designated public  
13 transportation service by a transit agency or by a private entity, on  
14 which a vehicle is operated along a prescribed route according to a  
15 fixed schedule.

16            (2) "Paratransit service" means comparable transportation service  
17 required by the Americans with Disabilities Act (104 Stat. 327, 42

1 U.S.C. Sec. 12101 et seq.), as amended from time to time, and chapter  
2 49.60 RCW, for individuals with disabilities who are unable to use  
3 fixed route systems.

4 (3) "Private entity" means any entity other than a public entity.

5 (4) "Public entity" means (a) any state or local government, (b)  
6 any department, agency, special purpose district, or other  
7 instrumentality of one or more state or local governments, and (c) any  
8 transit agency.

9 (5) "Transit agency" means a city that operates a transit system,  
10 a public transportation benefit area, a county transportation  
11 authority, a metropolitan municipal corporation, or a regional transit  
12 authority as defined in chapter 81.112 RCW.

13 NEW SECTION. **Sec. 3.** (1) Each public entity operating a fixed  
14 route system shall provide paratransit service to individuals with  
15 disabilities that is comparable to the level of service provided to  
16 individuals without disabilities who use the fixed route system. A  
17 paratransit service will be deemed to meet the requirements of this  
18 subsection if the system provides a level of service that meets the  
19 needs of individuals with and without disabilities to a comparable  
20 extent.

21 (2) Each public entity operating a fixed route system shall not  
22 reduce paratransit service below the level of service required by  
23 subsection (1) of this section for any fixed route existing as of the  
24 effective date of this act.

25 NEW SECTION. **Sec. 4.** If any provision of this act or its  
26 application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provision to other  
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 5.** If any part of this act is found to be in  
30 conflict with federal requirements that are a prescribed condition to  
31 the allocation of federal funds to the state, the conflicting part of  
32 this act is inoperative solely to the extent of the conflict and with  
33 respect to the agencies directly affected, and this finding does not  
34 affect the operation of the remainder of this act in its application to

1 the agencies concerned. Rules adopted under this act must meet federal  
2 requirements that are a necessary condition to the receipt of federal  
3 funds by the state.

4 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2006.

5 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute  
6 a new chapter in Title 81 RCW.

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