PUBLIC LAW 101–336—JULY 26, 1990
104 STAT. 337


SEC. 106. EFFECTIVE DATE.

This title shall become effective 24 months after the date of enactment.

TITLE II—PUBLIC SERVICES

Subtitle A—Prohibition Against Discrimination and Other Generally Applicable Provisions

SEC. 201. DEFINITION.

As used in this title:

(1) PUBLIC ENTITY.—The term "public entity" means—

(A) any State or local government;

(B) any department, agency, special purpose district, or other instrumentality of a State or local government; and

(C) the National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

(2) QUALIFIED INDIVIDUAL WITH A DISABILITY.—The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

SEC. 202. DISCRIMINATION.

Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity or be subjected to discrimination by any such entity.

SEC. 203. ENFORCEMENT.

The remedies, procedures, and rights set forth in section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794a) shall be the remedies, procedures, and rights this title provides to any person alleging discrimination on the basis of disability in violation of section 202.

SEC. 204. REGULATIONS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations in an accessible format that implement this subtitle. Such regulations shall not include any matter within the scope of the authority of the Secretary of Transportation under section 223, 229, or 244.
(b) RELATIONSHIP TO OTHER REGULATIONS.—Except for "program accessibility, existing facilities", and "communications", regulations under subsection (a) shall be consistent with this Act and with the coordination regulations under part 41 of title 28, Code of Federal Regulations (as promulgated by the Department of Health, Education, and Welfare on January 13, 1978), applicable to recipients of Federal financial assistance under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). With respect to "program accessibility, existing facilities", and "communications", such regulations shall be consistent with regulations and analysis as in part 39 of title 28 of the Code of Federal Regulations, applicable to federally conducted activities under such section 504.

(c) STANDARDS.—Regulations under subsection (a) shall include standards applicable to facilities and vehicles covered by this subtitle, other than facilities, stations, rail passenger cars, and vehicles covered by subtitle B. Such standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 504(a) of this Act.

SEC. 205. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this subtitle shall become effective 18 months after the date of enactment of this Act.

(b) EXCEPTION.—Section 204 shall become effective on the date of enactment of this Act.

Subtitle B—Actions Applicable to Public Transportation Provided by Public Entities Considered Discriminatory

PART I—PUBLIC TRANSPORTATION OTHER THAN BY AIRCRAFT OR certain RAIL OPERATIONS

42 USC 12141. SEC. 221. DEFINITIONS.

As used in this part:

(1) DEMAND RESPONSIVE SYSTEM.—The term "demand responsive system" means any system of providing designated public transportation which is not a fixed route system.

(2) DESIGNATED PUBLIC TRANSPORTATION.—The term "designated public transportation" means transportation (other than public school transportation) by bus, rail, or any other conveyance (other than transportation by aircraft or intercity or commuter rail transportation (as defined in section 241)) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

(3) FIXED ROUTE SYSTEM.—The term "fixed route system" means a system of providing designated public transportation on which a vehicle is operated along a prescribed route according to a fixed schedule.

(4) OPERATES.—The term "operates", as used with respect to a fixed route system or demand responsive system, includes operation of such system by a person under a contractual or other arrangement or relationship with a public entity.
(5) Public school transportation.—The term “public school transportation” means transportation by schoolbus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school-related activities.

(6) Secretary.—The term “Secretary” means the Secretary of Transportation.

SEC. 222. PUBLIC ENTITIES OPERATING FIXED ROUTE SYSTEMS.

(a) Purchase and Lease of New Vehicles.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system to purchase or lease a new bus, a new rapid rail vehicle, a new light rail vehicle, or any other new vehicle to be used on such system, if the solicitation for such purchase or lease is made after the 30th day following the effective date of this subsection and if such bus, rail vehicle, or other vehicle is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) Purchase and Lease of Used Vehicles.—Subject to subsection (c)(1), it shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system to purchase or lease, after the 30th day following the effective date of this subsection, a used vehicle for use on such system unless such entity makes demonstrated good faith efforts to purchase or lease a used vehicle for use on such system that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) Remanufactured Vehicles.—

(1) General rule.—Except as provided in paragraph (2), it shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system—

(A) to remanufacture a vehicle for use on such system so as to extend its usable life for 5 years or more, which remanufacture begins (or for which the solicitation is made) after the 30th day following the effective date of this subsection; or

(B) to purchase or lease for use on such system a remanufactured vehicle which has been remanufactured so as to extend its usable life for 5 years or more, which purchase or lease occurs after such 30th day and during the period in which the usable life is extended; unless, after remanufacture, the vehicle is, to the maximum extent feasible, readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) Exception for historic vehicles.—

(A) General rule.—If a public entity operates a fixed route system any segment of which is included on the National Register of Historic Places and if making a vehicle of historic character to be used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity only has to make (or to purchase or lease a remanufactured vehicle with) those modifications which are necessary to meet the requirements of paragraph
(1) and which do not significantly alter the historic character of such vehicle.

(B) Vehicles of historic character defined by regulations.—For purposes of this paragraph and section 228(b), a vehicle of historic character shall be defined by the regulations issued by the Secretary to carry out this subsection.

SEC. 223. PARATRANSIT AS A COMPLEMENT TO FIXED ROUTE SERVICE.

(a) General rule.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system (other than a system which provides solely commuter bus service) to fail to provide with respect to the operations of its fixed route system, in accordance with this section, paratransit and other special transportation services to individuals with disabilities, including individuals who use wheelchairs, that are sufficient to provide to such individuals a level of service (1) which is comparable to the level of designated public transportation services provided to individuals without disabilities using such system; or (2) in the case of response time, which is comparable, to the extent practicable, to the level of designated public transportation services provided to individuals without disabilities using such system.

(b) Issuance of regulations.—Not later than 1 year after the effective date of this subsection, the Secretary shall issue final regulations to carry out this section.

(c) Required contents of regulations.—

(1) Eligible recipients of service.—The regulations issued under this section shall require each public entity which operates a fixed route system to provide the paratransit and other special transportation services required under this section—

(A) to any individual with a disability who is unable, as a result of a physical or mental impairment (including a vision impairment) and without the assistance of another individual (except an operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on which the system is readily accessible to and usable by individuals with disabilities;

(B) to any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device (and is able with such assistance) to board, ride, and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time (or within a reasonable period of such time) when such a vehicle is not being used to provide designated public transportation on the route; and

(C) to any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system;

(D) to one other individual accompanying the individual with the disability; and

(E) to any individual with a disability provided that space for these additional individuals is available on the paratransit vehicle carrying the individual.

For purposes of paragraph (4), paratransit services required under this paragraph shall provide service to individuals with disabilities using such system.

(D) Additional regulations.—The regulations issued under this section shall require each public entity which operates a fixed route system to provide the paratransit and other special transportation services required under this section—

(E) to any individual who is unable, as a result of a physical or mental impairment (including a vision impairment) and without the assistance of another individual (except an operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on which the system is readily accessible to and usable by individuals with disabilities;

(F) to any individual who needs the assistance of a wheelchair lift or other boarding assistance device (and is able with such assistance) to board, ride, and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time (or within a reasonable period of such time) when such a vehicle is not being used to provide designated public transportation on the route; and

(G) to any individual who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system;

(H) to any individual with a disability provided that space for these additional individuals is available on the paratransit vehicle carrying the individual; and

(I) to any individual who is unable, as a result of a physical or mental impairment (including a vision impairment) and without the assistance of another individual (except an operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on which the system is readily accessible to and usable by individuals with disabilities.

(2) Service area.—For purposes of paragraph (4), paratransit services required under this paragraph shall provide service to individuals with disabilities using such system.

(3) Service criteria.—The regulations issued under this paragraph shall require each public entity which operates a fixed route system to provide the paratransit and other special transportation services required under this paragraph—

(4) Issuance of regulations.—Not later than 1 year after the effective date of this subsection, the Secretary shall issue final regulations to carry out this section.

(c) Required contents of regulations.—

(1) Eligible recipients of service.—The regulations issued under this section shall require each public entity which operates a fixed route system to provide the paratransit and other special transportation services required under this section—

(A) to any individual with a disability who is unable, as a result of a physical or mental impairment (including a vision impairment) and without the assistance of another individual (except an operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on which the system is readily accessible to and usable by individuals with disabilities;

(B) to any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device (and is able with such assistance) to board, ride, and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time (or within a reasonable period of such time) when such a vehicle is not being used to provide designated public transportation on the route; and

(C) to any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system;

(D) to one other individual accompanying the individual with the disability; and

(E) to any individual with a disability provided that space for these additional individuals is available on the paratransit vehicle carrying the individual.

For purposes of paragraph (4), paratransit services required under this paragraph shall provide service to individuals with disabilities using such system.

(D) Additional regulations.—The regulations issued under this section shall require each public entity which operates a fixed route system to provide the paratransit and other special transportation services required under this section—

(E) to any individual who is unable, as a result of a physical or mental impairment (including a vision impairment) and without the assistance of another individual (except an operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on which the system is readily accessible to and usable by individuals with disabilities;

(F) to any individual who needs the assistance of a wheelchair lift or other boarding assistance device (and is able with such assistance) to board, ride, and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time (or within a reasonable period of such time) when such a vehicle is not being used to provide designated public transportation on the route; and

(G) to any individual who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system;

(H) to any individual with a disability provided that space for these additional individuals is available on the paratransit vehicle carrying the individual; and
the individual with a disability and that the transportation of such additional individuals will not result in a denial of service to individuals with disabilities.

For purposes of clauses (i) and (ii) of subparagraph (A), boarding or disembarking from a vehicle does not include travel to the boarding location or from the disembarking location.

(2) **SERVICE AREA.**—The regulations issued under this section shall require the provision of paratransit and special transportation services required under this section in the service area of each public entity which operates a fixed route system, other than any portion of the service area in which the public entity solely provides commuter bus service.

(3) **SERVICE CRITERIA.**—Subject to paragraphs (1) and (2), the regulations issued under this section shall establish minimum service criteria for determining the level of services to be required under this section.

(4) **UNDUE FINANCIAL BURDEN LIMITATION.**—The regulations issued under this section shall provide that, if the public entity is able to demonstrate to the satisfaction of the Secretary that the provision of paratransit and other special transportation services otherwise required under this section would impose an undue financial burden on the public entity, the public entity, notwithstanding any other provision of this section (other than paragraph (5)), shall only be required to provide such services to the extent that providing such services would not impose such a burden.

(5) **ADDITIONAL SERVICES.**—The regulations issued under this section shall establish circumstances under which the Secretary may require a public entity to provide, notwithstanding paragraph (4), paratransit and other special transportation services under this section beyond the level of paratransit and other special transportation services which would otherwise be required under paragraph (4).

(6) **PUBLIC PARTICIPATION.**—The regulations issued under this section shall require that each public entity which operates a fixed route system hold a public hearing, provide an opportunity for public comment, and consult with individuals with disabilities in preparing its plan under paragraph (7).

(7) **PLANS.**—The regulations issued under this section shall require that each public entity which operates a fixed route system—

(A) within 18 months after the effective date of this subsection, submit to the Secretary, and commence implementation of, a plan for providing paratransit and other special transportation services which meets the requirements of this section; and

(B) on an annual basis thereafter, submit to the Secretary, and commence implementation of, a plan for providing such services.

(8) **PROVISION OF SERVICES BY OTHERS.**—The regulations issued under this section shall—

(A) require that a public entity submitting a plan to the Secretary under this section identify in the plan any person or other public entity which is providing a paratransit or other special transportation service for individuals with disabilities in the service area to which the plan applies; and
(9) **OTHER PROVISIONS.**—The regulations issued under this section shall include such other provisions and requirements as the Secretary determines are necessary to carry out the objectives of this section.

(d) **REVIEW OF PLAN.**—

(1) **GENERAL RULE.**—The Secretary shall review a plan submitted under this section for the purpose of determining whether or not such plan meets the requirements of this section, including the regulations issued under this section.

(2) **DISAPPROVAL.**—If the Secretary determines that a plan reviewed under this subsection fails to meet the requirements of this section, the Secretary shall disapprove the plan and notify the public entity which submitted the plan of such disapproval and the reasons therefor.

(3) **MODIFICATION OF DISAPPROVED PLAN.**—Not later than 90 days after the date of disapproval of a plan under this subsection, the public entity which submitted the plan shall modify the plan to meet the requirements of this section and shall submit to the Secretary, and commence implementation of, such modified plan.

(e) **DISCRIMINATION DEFINED.**—As used in subsection (a), the term "discrimination" includes—

(1) a failure of a public entity to which the regulations issued under this section apply to submit, or commence implementation of, a plan in accordance with subsections (c)(6) and (c)(7);

(2) a failure of such entity to submit, or commence implementation of, a modified plan in accordance with subsection (d)(3);

(3) submission to the Secretary of a modified plan under subsection (d)(3) which does not meet the requirements of this section;

(4) a failure of such entity to provide paratransit or other special transportation services in accordance with the plan or modified plan the public entity submitted to the Secretary under this section.

(f) **STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed as preventing a public entity—

(1) from providing paratransit or other special transportation services at a level which is greater than the level of such services which are required by this section,

(2) from providing paratransit or other special transportation services in addition to those paratransit and special transportation services required by this section, or

(3) from providing such services to individuals in addition to those individuals to whom such services are required to be provided by this section.

SEC. 224. PUBLIC ENTITY OPERATING A DEMAND RESPONSIVE SYSTEM.

If a public entity operates a demand responsive system, it shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for such entity to purchase or lease a new vehicle for use on such system, for which a solicitation is made after the 30th day following the effective date of this section, that is not readily accessible to and usable by individuals who use wheelchairs, unless such vehicle provides a level of service such system.

SEC. 225. TEMPORARY RELIEF FROM DISCRIMINATION.

(a) **GRANTING.**—

A public entity may receive such public funds under section 224 to purchase necessary transportation services for providing services to individuals with disabilities by the satisfaction of the following conditions:

(1) that the public entity is equipped and capable of providing services to individuals with disabilities;

(2) the unsuitability of existing equipment or facilities;

(3) that the public entity would be in compliance with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if it were not for the lack of funds to obtain such services in the time available;

(4) that any proposed plan to obtain such services is not adequate;

(b) **DURATION AND USE.**—A public entity shall use such funds in the manner appropriate to the purpose of providing relief granted.

(c) **FRAUDULENT ADMISSION.**—If a public entity fraudulently obtained relief under this section, (1) such entity shall be liable for actual and treble damages, and (2) may be subject to such other relief as the court deems appropriate.

SEC. 226. NEW FACILITY OR ALTERATION.

For purposes of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), discrimination for a public entity means that such public entity is using any facility or service, unless such facility or service is altered in the manner required by this section.

SEC. 227. ALTERATION.

(a) **GENERAL RULE.**—If a facility or part of a facility is altered in a manner that, to the maximum extent feasible, would permit the use of the facility by individuals with disabilities, the public entity is required to make such alterations (or take such other actions) in a manner that, to the maximum extent feasible, would permit the use of the facility by individuals with disabilities, including the safety of persons in the facility. In developing such alterations, the public entity shall, to the maximum extent feasible, alter its facilities so that they are readily accessible to and usable by individuals with disabilities, unless the public entity can demonstrate that alterations are impractical because they would involve an undue financial and administrative burden, or would fundamentally alter the nature or purpose of the facility. Any public entity that undertakes an alteration of its facilities under this subsection must make its new facilities readily accessible to and usable by individuals with disabilities. If a public entity undertakes an alteration of its facilities under this subsection, it must make all of its existing facilities so readily accessible to and usable by individuals with disabilities, with the following exceptions:

(1) the public entity can demonstrate that such alteration would involve an undue financial and administrative burden, or would fundamentally alter the nature or purpose of the facility.

42 USC 12144.
by individuals with disabilities, including individuals who use wheelchairs, unless such system, when viewed in its entirety, provides a level of service to such individuals equivalent to the level of service such system provides to individuals without disabilities.

SEC. 225. TEMPORARY RELIEF WHERE LIFTS ARE UNAVAILABLE.

(a) GRANTING.—With respect to the purchase of new buses, a public entity may apply for, and the Secretary may temporarily relieve such public entity from the obligation under section 222(a) or 224 to purchase new buses that are readily accessible to and usable by individuals with disabilities if such public entity demonstrates to the satisfaction of the Secretary—

(1) that the initial solicitation for new buses made by the public entity specified that all new buses were to be lift-equipped and were to be otherwise accessible to and usable by individuals with disabilities;

(2) the unavailability from any qualified manufacturer of hydraulic, electromechanical, or other lifts for such new buses;

(3) that the public entity seeking temporary relief has made good faith efforts to locate a qualified manufacturer to supply the lifts to the manufacturer of such buses in sufficient time to comply with such solicitation; and

(4) that any further delay in purchasing new buses necessary to obtain such lifts would significantly impair transportation services in the community served by the public entity.

(b) DURATION AND NOTICE TO CONGRESS.—Any relief granted under subsection (a) shall be limited in duration by a specified date, and the appropriate committees of Congress shall be notified of any such relief granted.

(c) FRAUDULENT APPLICATION.—If, at any time, the Secretary has reasonable cause to believe that any relief granted under subsection (a) was fraudulently applied for, the Secretary shall—

(1) cancel such relief if such relief is still in effect; and

(2) take such other action as the Secretary considers appropriate.

SEC. 226. NEW FACILITIES.

For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for a public entity to construct a new facility to be used in the provision of designated public transportation services unless such facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

SEC. 227. ALTERATIONS OF EXISTING FACILITIES.

(a) GENERAL RULE.—With respect to alterations of an existing facility or part thereof used in the provision of designated public transportation services that affect or could affect the usability of the facility or part thereof, it shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for a public entity to fail to make such alterations (or to ensure that the alterations are made) in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations. Where the public entity is undertaking an alteration that affects or could affect usability of or
access to an area of the facility containing a primary function, that the entity shall also make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations, where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

(b) SPECIAL RULE FOR STATIONS.—

(1) General rule.—For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for a public entity that provides designated public transportation to fail, in accordance with the provisions of this subsection, to make key stations (as determined under criteria established by the Secretary by regulation) in rapid rail and light rail systems readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) Rapid rail and light rail key stations.—

(A) Accessibility.—Except as otherwise provided in this paragraph, all key stations (as determined under criteria established by the Secretary by regulation) in rapid rail and light rail systems shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than the last day of the 3-year period beginning on the effective date of this paragraph.

(B) Extension for extraordinarily expensive structural changes.—The Secretary may extend the 3-year period under subparagraph (A) up to a 30-year period for key stations in a rapid rail or light rail system which stations need extraordinarily expensive structural changes to, or replacement of, existing facilities; except that by the last day of the 20th year following the date of the enactment of this Act at least 1/3 of such key stations must be readily accessible to and usable by individuals with disabilities.

(3) Plans and milestones.—The Secretary shall require the appropriate public entity to develop and submit to the Secretary a plan for compliance with this subsection—

(A) that reflects consultation with individuals with disabilities affected by such plan and the results of a public hearing and public comment on such plan, and

(B) that establishes milestones for achievement of the requirements of this subsection.

SEC. 228. PUBLIC TRANSPORTATION PROGRAMS AND ACTIVITIES IN EXISTING FACILITIES AND ONE CAR PER TRAIN RULE.

(a) Public Transportation Programs and Activities in Existing Facilities.—

(1) In general.—With respect to existing facilities used in the provision of designated public transportation services, it shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for a public entity to fail to make such facilities readily accessible to and usable by individuals with disabilities, unless the failure is based on a finding that such facilities could not be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the entity can demonstrate that it is not readily accessible or usable by individuals with disabilities.

(b) One Car Per Train.—

(1) General rule.—No public entity shall provide one car per train for public transportation service under the Rehabilitation Act of 1973 (29 U.S.C. 794), unless the public entity can demonstrate that it is not readily accessible or usable by individuals with disabilities.

SEC. 229. REGULATIONS.

(a) In General.—The regulations of this Act, this part, and the regulations of any other part of this Act, shall be promulgated in accordance with section 553 of title 5, United States Code.

(b) Standards.—The Secretary shall promulgate such regulations as are necessary to carry out the purposes of this Act in accordance with section 553 of title 5, United States Code.

SEC. 230. INTERIM ACCESSIBILITY.

If final regulations fail to provide for new construction or expansion, or to ensure accessibility of existing facilities, the Secretary shall ensure that, after the date of receipt of the notice of such failure, the Secretary shall promulgate such regulations as are necessary to carry out the purposes of this Act in accordance with section 553 of title 5, United States Code.
794), for a public entity to fail to operate a designated public transportation program or activity conducted in such facilities so that, when viewed in the entirety, the program or activity is readily accessible to and usable by individuals with disabilities.

(2) Exception.—Paragraph (1) shall not require a public entity to make structural changes to existing facilities in order to make such facilities accessible to individuals who use wheelchairs, unless and to the extent required by section 227(a) (relating to alterations) or section 227(b) (relating to key stations).

(3) Utilization.—Paragraph (1) shall not require a public entity to which paragraph (2) applies, to provide to individuals who use wheelchairs services made available to the general public at such facilities when such individuals could not utilize or benefit from such services provided at such facilities.

(b) One Car Per Train Rule.—

(1) General Rule.—Subject to paragraph (2), with respect to 2 or more vehicles operated as a train by a light or rapid rail system, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for a public entity to fail to have at least 1 vehicle per train that is accessible to individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than the last day of the 5-year period beginning on the effective date of this section.

(2) Historic Trains.—In order to comply with paragraph (1) with respect to the remanufacture of a vehicle of historic character which is to be used on a segment of a light or rapid rail system which is included on the National Register of Historic Places, if making such vehicle readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity which operates such system only has to make (or to purchase or lease a remanufactured vehicle with) those modifications which are necessary to meet the requirements of section 222(c)(1) and which do not significantly alter the historic character of such vehicle.

SEC. 229. REGULATIONS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations, in an accessible format, necessary for carrying out this part (other than section 223).

(b) Standards.—The regulations issued under this section and section 223 shall include standards applicable to facilities and vehicles covered by this subtitle. The standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 504 of this Act.

SEC. 230. INTERIM ACCESSIBILITY REQUIREMENTS.

If final regulations have not been issued pursuant to section 229, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under such section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of
such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities as required under sections 226 and 227, except that, if such final regulations have not been issued one year after the Architectural and Transportation Barriers Compliance Board has issued the supplemental minimum guidelines required under section 504(a) of this Act, compliance with such supplemental minimum guidelines shall be necessary to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities prior to issuance of the final regulations.

SEC. 231. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this part shall become effective 18 months after the date of enactment of this Act.

(b) EXCEPTION.—Sections 222, 223 (other than subsection (a)), 224, 225, 227(b), 228(b), and 229 shall become effective on the date of enactment of this Act.

PART II—PUBLIC TRANSPORTATION BY INTERCITY AND COMMUTER RAIL

SEC. 241. DEFINITIONS.

As used in this part:

(1) COMMUTER AUTHORITY.—The term "commuter authority" has the meaning given such term in section 103(8) of the Rail Passenger Service Act (45 U.S.C. 502(8)).

(2) COMMUTER RAIL TRANSPORTATION.—The term "commuter rail transportation" has the meaning given the term "commuter service" in section 103(9) of the Rail Passenger Service Act (45 U.S.C. 502(9)).

(3) INTERCITY RAIL TRANSPORTATION.—The term "intercity rail transportation" means transportation provided by the National Railroad Passenger Corporation.

(4) RAIL PASSENGER CAR.—The term "rail passenger car" means, with respect to intercity rail transportation, single-level and bi-level coach cars, single-level and bi-level dining cars, single-level and bi-level sleeping cars, single-level and bi-level lounge cars, and food service cars.

(5) RESPONSIBLE PERSON.—The term "responsible person" means—

(A) in the case of a station more than 50 percent of which is owned by a public entity, such public entity;

(B) in the case of a station more than 50 percent of which is owned by a private party, the persons providing intercity or commuter rail transportation to such station, as allocated on an equitable basis by regulation by the Secretary of Transportation; and

(C) in a case where no party owns more than 50 percent of a station, the persons providing intercity or commuter rail transportation to such station and the owners of the station, other than private party owners, as allocated on an equitable basis by regulation by the Secretary of Transportation.

SEC. 242. INTERCITY RAIL TRANSPORTATION DISCRIMINATION.

(a) INTERCITY RAIL TRANSPORTATION DISCRIMINATION PREVENTION.—

(1) ONE CAR PROVISION.—The Rehabilitation Act of 1973, and the Act provides intercity or commuter rail transportation shall be provided to individuals with disabilities, including individuals using wheelchairs, in a manner consistent with the requirements of this section 244, as soon as it is reasonably practicable to do so, but not later than 3 years after the date of enactment of this section.

(2) NEW INTERCITY OR COMMUTER RAIL TRANSPORTATION FOR INDIVIDUALS WITH DISABILITIES.—

(A) GENERAL RULE.—Subsection (a) of section 242 of the Act of 1973 (29 U.S.C. 796) shall apply to any intercity or commuter rail transportation with respect to which the Secretary of Transportation certifies that it was constructed, operated, or acquired after the date of enactment of this section.

(B) SPECIALLY EQUIPPED RAIL CARS FOR INDIVIDUALS WITH DISABILITIES.—

(i) be a wheelchair user;

(ii) have a height, length, and weight capacity sufficient to accommodate the needs of an individual;

(iii) have a width sufficient to accommodate the needs of an individual;

(iv) be available to carry a wheelchair and have capacity to accommodate the needs of an individual;

(v) be available to be utilized only to the extent necessary;

(C) SPECIALLY EQUIPPED RAIL CARS FOR INDIVIDUALS WITH DISABILITIES.—

(i) be available to be utilized only to the extent necessary;

(ii) be available to be utilized only to the extent necessary;
(6) Station.—The term "station" means the portion of a property located appurtenant to a right-of-way on which intercity or commuter rail transportation is operated, where such portion is used by the general public and is related to the provision of such transportation, including passenger platforms, designated waiting areas, ticketing areas, restrooms, and, where a public entity providing rail transportation owns the property, concession areas, to the extent that such public entity exercises control over the selection, design, construction, or alteration of the property, but such term does not include flag stops.

SEC. 242. INTERCITY AND COMMUTER RAIL ACTIONS CONSIDERED DISCRIMINATORY.

(a) Intercity Rail Transportation.—

(1) One Car Per Train Rule.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person who provides intercity rail transportation to fail to have at least one passenger car per train that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, in accordance with regulations issued under section 244, as soon as practicable, but in no event later than 5 years after the date of enactment of this Act.

(2) New Intercity Cars.—

(A) General Rule.—Except as otherwise provided in this subsection with respect to individuals who use wheelchairs, it shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease any new rail passenger cars for use in intercity rail transportation, and for which a solicitation is made later than 30 days after the effective date of this section, unless all such rail cars are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(B) Special Rule for Single-Level Passenger Coaches for Individuals Who Use Wheelchairs.—Single-level passenger coaches shall be required to—

(i) be able to be entered by an individual who uses a wheelchair;
(ii) have space to park and secure a wheelchair;
(iii) have a seat to which a passenger in a wheelchair can transfer, and a space to fold and store such passenger’s wheelchair; and
(iv) have a restroom usable by an individual who uses a wheelchair,

only to the extent provided in paragraph (3).

(C) Special Rule for Single-Level Dining Cars for Individuals Who Use Wheelchairs.—Single-level dining cars shall not be required to—

(i) be able to be entered from the station platform by an individual who uses a wheelchair; or
(ii) have a restroom usable by an individual who uses a wheelchair if no restroom is provided in such car for any passenger.
(D) Special rule for bi-level dining cars for individuals who use wheelchairs.—Bi-level dining cars shall not be required to—

(i) be able to be entered by an individual who uses a wheelchair;
(ii) have space to park and secure a wheelchair;
(iii) have a seat to which a passenger in a wheelchair can transfer, or a space to fold and store such passenger’s wheelchair; or
(iv) have a restroom usable by an individual who uses a wheelchair.

(3) Accessibility of single-level coaches.—

(A) General rule.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person who provides intercity rail transportation to fail to have on each train which includes one or more single-level rail passenger coaches—

(i) a number of spaces—

(I) to park and secure wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than one-half of the number of single-level rail passenger coaches in such train; and

(II) to fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than one-half of the number of single-level rail passenger coaches in such train, as soon as practicable, but in no event later than 5 years after the date of enactment of this Act; and

(ii) a number of spaces—

(I) to park and secure wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than the total number of single-level rail passenger coaches in such train; and

(II) to fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than the total number of single-level rail passenger coaches in such train, as soon as practicable, but in no event later than 10 years after the date of enactment of this Act.

(B) Location.—Spaces required by subparagraph (A) shall be located in single-level rail passenger coaches or food service cars.

(C) Limitation.—Of the number of spaces required on a train by subparagraph (A), not more than two spaces to park and secure wheelchairs nor more than two spaces to fold and store wheelchairs shall be located in any one coach or food service car.

(D) Other accessibility features.—Single-level rail passenger coaches and food service cars on which the spaces required by subparagraph (A) are located shall have a restroom usable by an individual who uses a wheelchair and shall be able to be entered from the station platform by an individual who uses a wheelchair.

(4) Food service.—
(A) Single-level dining cars.—On any train in which a single-level dining car is used to provide food service—
(i) if such single-level dining car was purchased after the date of enactment of this Act, table service in such car shall be provided to a passenger who uses a wheelchair if—
(I) the car adjacent to the end of the dining car through which a wheelchair may enter is itself accessible to a wheelchair;
(II) such passenger can exit to the platform from the car such passenger occupies, move down the platform, and enter the adjacent accessible car described in subclause (I) without the necessity of the train being moved within the station; and
(III) space to park and secure a wheelchair is available in the dining car at the time such passenger wishes to eat (if such passenger wishes to remain in a wheelchair); or space to store and fold a wheelchair is available in the dining car at the time such passenger wishes to eat (if such passenger wishes to transfer to a dining car seat); and
(ii) appropriate auxiliary aids and services, including a hard surface on which to eat, shall be provided to ensure that other equivalent food service is available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals.

Unless not practicable, a person providing intercity rail transportation shall place an accessible car adjacent to the end of a dining car described in clause (i) through which an individual who uses a wheelchair may enter.

(B) Bi-level dining cars.—On any train in which a bi-level dining car is used to provide food service—
(i) if such train includes a bi-level lounge car purchased after the date of enactment of this Act, table service in such lounge car shall be provided to individuals who use wheelchairs and to other passengers; and
(ii) appropriate auxiliary aids and services, including a hard surface on which to eat, shall be provided to ensure that other equivalent food service is available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals.

(b) Commuter rail transportation.—
(1) One car per train rule.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person who provides commuter rail transportation to fail to have at least one passenger car per train that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, in accordance with regulations issued under section 244, as soon as practicable, but in no event later than 5 years after the date of enactment of this Act.

(2) New commuter rail cars.—
(A) General rule.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to
purchase or lease any new rail passenger cars for use in commuter rail transportation, and for which a solicitation is made later than 30 days after the effective date of this section, unless all such rail cars are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(B) ACCESSIBILITY.—For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), a requirement that a rail passenger car used in commuter rail transportation be accessible to or readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, shall not be construed to require—

(i) a restroom usable by an individual who uses a wheelchair if no restroom is provided in such car for any passenger;
(ii) space to fold and store a wheelchair; or
(iii) a seat to which a passenger who uses a wheelchair can transfer.

(c) USED RAIL CARS.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease a used rail passenger car for use in intercity or commuter rail transportation, unless such person makes demonstrated good faith efforts to purchase or lease a used rail car that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(d) REMANUFACTURED RAIL CARS.—

(1) REMANUFACTURING.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to remanufacture a rail passenger car for use in intercity or commuter rail transportation so as to extend its usable life for 10 years or more, unless the rail car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(2) PURCHASE OR LEASE.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease a remanufactured rail passenger car for use in intercity or commuter rail transportation unless such car was remanufactured in accordance with paragraph (1).

(e) STATIONS.—

(1) NEW STATIONS.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to build a new station for use in intercity or commuter rail transportation that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(2) EXISTING STATIONS.—

(A) FAILURE TO PROVIDE ACCESSIBILITY FOR PERSONS WITH DISABILITIES

(i) General requirement.—For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), a person holding a key state transit authority shall, to the maximum extent feasible and in keeping with the intent and purpose of section 504, make readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(ii) Partially accessible stations.—

(I) The term "partially accessible station" means a station such that the maximum extent feasible, the station is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(II) The following stations shall be considered partially accessible stations:

(a) A station that is partially accessible to and usable by individuals who use wheelchairs, but is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(b) A station that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(III) The Secretary of Transportation shall, to the maximum extent feasible, make readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(iii) Designation of partially accessible stations.—The Secretary of Transportation shall, to the maximum extent feasible, make readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(iv) Performance standards.—The Secretary of Transportation shall, to the maximum extent feasible, make readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(B) REQUIREMENTS

(i) General requirement.—For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), a person holding a key state transit authority shall, to the maximum extent feasible and in keeping with the intent and purpose of section 504, make readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(ii) Partially accessible stations.—

(I) The term "partially accessible station" means a station such that the maximum extent feasible, the station is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(II) The following stations shall be considered partially accessible stations:

(a) A station that is partially accessible to and usable by individuals who use wheelchairs, but is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(b) A station that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(iii) Designation of partially accessible stations.—The Secretary of Transportation shall, to the maximum extent feasible, make readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.

(iv) Performance standards.—The Secretary of Transportation shall, to the maximum extent feasible, make readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations under section 244.
(A) FAILURE TO MAKE READILY ACCESSIBLE.—
   (i) GENERAL RULE.—It shall be considered discrimination
   for purposes of section 202 of this Act and section
   504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for
   a responsible person to fail to make existing stations in
   the intercity rail transportation system, and existing
   key stations in commuter rail transportation systems,
   readily accessible to and usable by individuals with
   disabilities, including individuals who use wheelchairs,
   as prescribed by the Secretary of Transportation in
   regulations issued under section 244.
   (ii) PERIOD FOR COMPLIANCE.—
      (I) INTERCITY RAIL.—All stations in the intercity
      rail transportation system shall be made readily
      accessible to and usable by individuals with disabili-
      ties, including individuals who use wheelchairs, as
      soon as practicable, but in no event later than 20
      years after the date of enactment of this Act.
      (II) COMMUTER RAIL.—Key stations in commuter
      rail transportation systems shall be made readily
      accessible to and usable by individuals with disabili-
      ties, including individuals who use wheelchairs, as
      soon as practicable but in no event later than 3
      years after the date of enactment of this Act, except
      that the time limit may be extended by the
      Secretary of Transportation up to 20 years after
      the date of enactment of this Act in a case where
      the raising of the entire passenger platform is the
      only means available of attaining accessibility or
      where other extraordinarily expensive structural
      changes are necessary to attain accessibility.
   (iii) DESIGNATION OF KEY STATIONS.—Each commuter
      authority shall designate the key stations in its com-
      muter rail transportation system, in consultation with
      individuals with disabilities and organizations rep-
      resenting such individuals, taking into consideration
      such factors as high ridership and whether such station
      serves as a transfer or feeder station. Before the final
      designation of key stations under this clause, a com-
      muter authority shall hold a public hearing.
   (iv) PLANS AND MILESTONES.—The Secretary of
      Transportation shall require the appropriate person to
      develop a plan for carrying out this subparagraph that
      reflects consultation with individuals with disabilities
      affected by such plan and that establishes milestones
      for achievement of the requirements of this
      subparagraph.
   (B) REQUIREMENT WHEN MAKING ALTERATIONS.—
   (i) GENERAL RULE.—It shall be considered discrimina-
   tion, for purposes of section 202 of this Act and section
   with respect to alterations of an existing station or
   part thereof in the intercity or commuter rail transpor-
   tation systems that affect or could affect the usability
   of the station or part thereof, for the responsible
   person, owner, or person in control of the station to fail
   to make the alterations in such a manner that, to the
maximum extent feasible, the altered portions of the station are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations.

(i) Alterations to a Primary Function Area.—It shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), with respect to alterations that affect or could affect the usability of or access to an area of the station containing a primary function, for the responsible person, owner, or person in control of the station to fail to make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area, and the bathrooms, telecommunications, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations, where such alterations to the path of travel or the bathrooms, telecommunications, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

(C) Required Cooperation.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for an owner, or person in control, of a station governed by subparagraph (A) or (B) to fail to provide reasonable cooperation to a responsible person with respect to such station in that responsible person’s efforts to comply with such subparagraph. An owner, or person in control, of a station shall be liable to a responsible person for any failure to provide reasonable cooperation as required by this subparagraph. Failure to receive reasonable cooperation required by this subparagraph shall not be a defense to a claim of discrimination under this Act.

SEC. 243. CONFORMANCE OF ACCESSIBILITY STANDARDS.

Accessibility standards included in regulations issued under this part shall be consistent with the minimum guidelines issued by the Architectural and Transportation Barriers Compliance Board under section 504(a) of this Act.

SEC. 244. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations, in an accessible format, necessary for carrying out this part.

SEC. 245. INTERIM ACCESSIBILITY REQUIREMENTS.

(a) Stations.—If final regulations have not been issued pursuant to section 244, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under such section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice.

(b) Rail Passengers.—Issued pursuant to section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), with respect to alterations that affect or could affect the usability of or access to an area of the station containing a primary function, for the responsible person, owner, or person in control of the station to fail to make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area, and the bathrooms, telecommunications, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations, where such alterations to the path of travel or the bathrooms, telecommunications, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

SEC. 246. EFFECTIVE DATE.

(a) General Rule.—This Act shall become effective on the date of enactment.

(b) Exception.—Nothing in this Act shall affect the date of enactment.

TITLE III—ACCESSIBILITY AND SERVICE REQUIREMENTS FOR ENTITIES RECEIVING FEDERAL AID

SEC. 301. DEFINITIONS.

(a) COMMERCIAL FACILITIES.—The term "commercial facility" means a place of public accommodation that provides goods or services to members of the public who are not customers of a particular firm, and includes both separately owned and operated facilities and facilities owned or operated by a commercial enterprise.

(b) PUBLIC TRANSIT.—The term "public transportation" means transportation provided by rail, bus, streetcar, trolley, tram, subway, or monorail line for the transportation of passengers or their property, and includes transportation provided by an air carrier, McCarten Air Charter, and scheduled sightseeing services.

(c) INTERSTATE—The term "interstate transportation" means transportation that begins and ends in more than one State, and includes transportation by rail, bus, streetcar, trolley, tram, subway, or monorail line between points in more than one State.

(d) DEMAND—The term "demand" means a request for transportation service, made to an entity that provides transportation service under the Federal-aid highway program.

(e) DEMAND ROUTE SYSTEM.—The term "demand route system" means a system of transportation service provided under the Federal-aid highway program on a demand route basis.
issued shall suffice to satisfy the requirement that stations be 
readily accessible to and usable by persons with disabilities as 
required under section 242(e), except that, if such final regulations 
have not been issued one year after the Architectural and Transpor-
tation Barriers Compliance Board has issued the supplemental mini-
imum guidelines required under section 504(a) of this Act, 
compliance with such supplemental minimum guidelines shall be 
necessary to satisfy the requirement that stations be readily acces-
sible to and usable by persons with disabilities prior to issuance of 
the final regulations.

(b) Rail Passenger Cars.—If final regulations have not been 
issued pursuant to section 244, a person shall be considered to have 
complied with the requirements of section 242 (a) through (d) that a 
rail passenger car be readily accessible to and usable by individuals 
with disabilities, if the design for such car complies with the laws 
and regulations (including the Minimum Guidelines and Require-
ments for Accessible Design and such supplemental minimum guide-
lines as are issued under section 504(a) of this Act) governing 
accessibility of such cars, to the extent that such laws and regulat-
ions are not inconsistent with this part and are in effect at the time 
such design is substantially completed.

SEC. 246. EFFECTIVE DATE.

(a) General Rule.—Except as provided in subsection (b), this part 
shall become effective 18 months after the date of enactment of this 
Act.

(b) Exception.—Sections 242 and 244 shall become effective on the 
date of enactment of this Act.

TITLE III—PUBLIC ACCOMMODATIONS 
AND SERVICES OPERATED BY PRIVATE 
ENTITIES

SEC. 301. DEFINITIONS.

As used in this title:

(1) Commerce.—The term "commerce" means travel, trade, 
traffic, commerce, transportation, or communication—
(A) among the several States;
(B) between any foreign country or any territory or 
possession and any State; or
(C) between points in the same State but through another 
State or foreign country.
(2) Commercial Facilities.—The term "commercial facilities" 
means facilities—
(A) that are intended for nonresidential use; and
(B) whose operations will affect commerce.

Such term shall not include railroad locomotives, railroad 
freight cars, railroad cabooses, railroad cars described in section 
242 or covered under this title, railroad rights-of-way, or facili-
ties that are covered or expressly exempted from coverage under the Fair Housing Act of 1968 (42 U.S.C. 3601 et seq.).

(3) Demand Responsive System.—The term "demand responsive 
system" means any system of providing transportation of 
individuals by a vehicle, other than a system which is a fixed 
route system.