

Date of Hearing: April 28, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 1250 (Papan) – As Amended April 10, 2025

SUBJECT: Transit operators: paratransit: recertification of eligibility

SUMMARY: Requires a transit operator that provides or contracts for the provision of paratransit services to not require a person who receives or is eligible to receive paratransit services to recertify their eligibility beginning January 1, 2027. Specifically, **this bill:**

- 1) Requires a transit operator, beginning January 1, 2027, that provides or contracts for the provision of paratransit services for individuals with disabilities and receives funding pursuant to the Mills-Alquist-Deddeh Act (Mills Act) to not require a person who receives or is eligible to receive paratransit services based on a disability or medical condition, and whose condition cannot reasonably be expected to improve unless one of the following applies:
 - a) There is a review to broaden the person’s eligibility for paratransit services based on either the person’s medical condition worsening or the person having an additional disability or medical condition; and,
 - b) The person is temporarily eligible for paratransit services. Their eligibility shall be valid for 180 days or until the date indicated by the person’s qualified licensed medical professional on the person’s application of paratransit services, whichever is sooner. Temporary eligibility for paratransit services shall not be renewed more than six consecutive times.

EXISTING LAW:

- 1) Defines “disabled person” as any individual who by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including, but not limited to, any individual confined to a wheelchair, is unable, without special facilities or special planning or design, to utilize public transportation facilities and services as effectively as a person who is not so affected. (Public Utilities Code (PUC) 99206.5)
- 2) States that the Legislature intends that dial-a-ride and paratransit services be accessible to disabled persons and that transportation service be provided for employment, education, medical, and personal reasons, allowing for these persons to fully participate in our society. (PUC 99155.5(a))
- 3) Requires each transit operator, that provides for the provision of dial-a-ride or paratransit service for individuals with disabilities and receives public funding pursuant to the Mills Act for that service shall provide the service without regard to either of the following: (PUC 99155.5(b))
 - a) Whether the person is a member of a household which owns a motor vehicle; and,
 - b) Whether the place of residence of the person who requests transportation service is within the service area of the provided. 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.

- 4) Except as required by the federal Americans with Disabilities Act of 1990 (42 United States Code 12101) and federal regulations adopted pursuant thereto or by higher standards prescribed by the laws of this state, nothing in Section 99155.5 of the PUC requires any transit operator which provides service to individuals with disabilities in a manner consistent with PUC 99155.5(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. (PUC 99155.5(d))
- 5) A transit operator shall honor any current identification card which is valid for the type of transportation service or discount requested and which has been issued to an individual with disabilities by another transit operator. (PUC 99155.5(e))
- 6) Specifies that 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. (PUC 99155.6(a))
 - a) On or before July 1, 2021, the Transportation Agency shall publish the assessment on its internet website. (PUC 99155.6(b))
 - b) After conducting and publishing the assessment, the Transportation Agency shall adopt guidelines for the development of a statewide 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. (PUC 99155.6(c))

FISCAL EFFECT: Unknown

COMMENTS: Paratransit is a specialized, demand-responsive transportation service for individuals who, due to disability, are unable to use regular fixed-route public transit. These services are typically operated by local transit agencies and may be provided directly or through contracts with private companies.

Federal and state law. Under the Americans with Disabilities Act of 1990 (ADA), public transit agencies operating fixed-route systems must provide complementary paratransit services that mirror the fixed-route system in terms of service area, hours, and fares. ADA paratransit eligibility is defined in three categories:

- Category 1: Individuals who cannot independently use the fixed-route system due to a physical or cognitive disability.
- Category 2: Individuals who can use fixed-route transit but no accessible vehicle is available on the route they need.
- Category 3: Individuals with a specific impairment-related condition that prevents them from getting to or from a bus or rail stop.

Disability alone does not determine paratransit eligibility. The decision is based on the applicant's functional ability to use the fixed route bus and is not a medical decision. The Department of Transportation (DOT) ADA regulations in Appendix D to 49 United States Code Section 37.125 specifies: "The substantive eligibility process is not aimed at making a medical or diagnostic determination. While evaluation by a physician (or professionals in rehabilitation or other relevant fields) may be used as part of the process, a diagnosis of a disability is not dispositive. What is needed is a determination of whether, as a practical matter, the individual can use fixed route transit in his or her own circumstances." Transit agencies, with input from the communities they serve, devise the specifics of their individual eligibility processes. The DOT ADA regulations in Section 37.125 set only broad requirements that all agencies must incorporate, such as written notification of eligibility decisions and an opportunity for an appeal.

While "ADA paratransit" under federal law refers to specific transportation services for individuals meeting certain eligibility criteria, California law uses the terms "paratransit" and "dial-a-ride" more broadly to include a wider range of services for people with disabilities.

Transit providers that receive public funding under the Mills Act must not deny paratransit service based on:

- Whether the person has access to a household vehicle.
- Whether the person lives outside the service area—as long as they are within the area at the time of service and meet eligibility criteria.

Providers may still offer subscription-based services and are not required to lower rates charged to other agencies. Additionally, providers are not required to operate outside their service areas (unless mandated by the ADA) and cannot require ID as a condition of service unless otherwise permitted. Transit providers must accept valid disability ID cards issued by other providers. Complaints about non-compliance may be filed with a transportation planning agency or county transportation commission, and individuals may request the Attorney General's involvement for resolution.

Disability recertification. Federal law, when referring to public entities required to provide complementary paratransit service, states that, "The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals" (49 United States Code 37.125). In California, individuals with permanent disabilities are required to recertify their paratransit eligibility every 2-5 years, despite their condition remaining stable. The application presents barriers, including:

- Long, not easily accessible forms (especially for screen reader users).
- The need for medical certification, which typically incurs a cost.
- Difficulty getting to a doctor's appointment if the individual is not already paratransit-eligible.

Inconsistencies across the state. Transit agencies across the state may apply eligibility rules and processes differently, creating an additional barrier for individuals who utilize paratransit services across different parts of the state. Inconsistencies in statewide process are highlighted in the report Caltrans prepared pursuant to AB 1351 (Lackey), Chapter 627, Statutes of 2019, which found that most transit agencies do not accept online applications, fare payment options

vary, and the majority of agencies do not advertise cross-eligibility of services with other California paratransit agencies. Caltrans recommends the following actions:

- Opportunities for outreach and training could be sought to promote compliance with current state and federal laws which could proceed prior to and in conjunction with the release of statewide guidelines.
- Identify and maintain a list of each operator's paratransit contact person.
- Each service provider could clearly post information about their paratransit services in an easy-to-find location on their website.
- Establish a digital statewide eligibility verification service that is ADA-accessible and easy to use.
- Require transit operators that receive Mills Act funding to honor eligibility from a centralized service alongside their existing processes.
- Publish use of a verification system per agency.
- Publish Mills Act agency compliance.
- Develop eligibility verification guidelines for agency websites.

Committee comments. This bill provides relief for individuals who receive or are eligible to receive paratransit services and whose medical condition or disability cannot reasonably be expected to improve by not requiring them to recertify their paratransit eligibility. The bill provides exceptions to this exemption if there is a review to broaden the individuals eligibility based on their medical condition worsening or having an additional disability or medical condition or the person is eligible for temporary paratransit service. These latter provisions provide guardrails that the exemption for paratransit eligibility recertification is not abused.

According to the author. "AB 1250 will ensure that individuals with permanent disabilities are not required to recertify their eligibility for paratransit services, except in clearly defined circumstances. Paratransit is a critical service that helps Californians with disabilities stay mobile, independent, and engaged in their communities.

Currently, many transit providers require recertification every 2 to 5 years—even when a person's condition is lifelong and unlikely to change. The application process can be lengthy, difficult to navigate for individuals using assistive technology, and requires medical certification. For many, the cost and logistical challenge of reaching a doctor's appointment—especially without reliable transportation—pose significant barriers.

AB 1250 is about dignity and inclusion. This bill acknowledges that for many riders, their disability status is permanent. By allowing for a lasting eligibility determination in these cases, the bill reduces unnecessary burdens on individuals and improves efficiency for transit agencies, freeing up resources to focus on service delivery.

California has a strong record of advancing equity in transportation. AB 1250 builds on that foundation by making the paratransit system more accessible, practical, and respectful of the needs of those it serves."

Arguments in support. The California Council of the Blind writes, "Although federal regulations do not require transit districts to redetermine eligibility for someone whose disability is not expected to improve, many districts require recertification of all paratransit riders at prescribed intervals. In addition, applications for recertifying paratransit service eligibility often require

certification by a physician. In order to meet this requirement riders, many of whom are on fixed incomes, must often bear the expense of obtaining a physician's certification.

A number of people determined eligible for Para Transit services have a disability or medical condition that cannot reasonably be expected to improve. Not only would such Para Transit riders benefit from a system that could deem their disability or medical condition as stable, but staff time and money could be saved on the part of Para Transit service providers, eliminating the need for periodic redetermination applications through such designation. It is likely that more than 250,000 persons with disabilities use paratransit services in California. If 80% of these individuals did not require recertification, savings could run to several million dollars annually."

Previous and related legislation. AB 1351 (Lackey), Chapter 627 of Statutes of 2019, requires the Transportation Agency to conduct an assessment of the procedures public transit operators use to provide dial-a-ride and paratransit services by July 1, 2021.

AB 2679 (Assembly Committee on Transportation) Chapter 769 of Statutes of 2012, states that the Legislature intends that dial-a-ride and paratransit services be accessible for disabled persons and replaces the term "handicapped" with the term "disabled" throughout the Mills Act, among other provisions.

REGISTERED SUPPORT / OPPOSITION:

Support

California Council of the Blind
Californians for SSI
Coelho Center for Disability Law, Policy and Innovation
Educate.Advocate.
Seamless Bay Area

Opposition

None on file

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