

CHAPTER 59

LABOR AND INDUSTRY

SENATE BILL 17-011

BY SENATOR(S) Lambert, Lundberg, Aguilar, Court, Crowder, Donovan, Fenberg, Fields, Garcia, Gardner, Holbert, Jahn, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Neville T., Priola, Scott, Smallwood, Tate, Todd, Zenzinger, Grantham; also REPRESENTATIVE(S) Lawrence, Hamner, Rankin, Young, Arndt, Becker K., Bridges, Carver, Danielson, Esgar, Exum, Ginal, Gray, Herod, Hooton, Kennedy, Landgraf, Lee, Lontine, McLachlan, Melton, Michaelson Jenet, Mitsch Bush, Pettersen, Rosenthal, Valdez, Weissman, Winter, Duran.

AN ACT

CONCERNING THE CREATION OF A TECHNICAL DEMONSTRATION FORUM TO STUDY SOLUTIONS TO IMPROVE TRANSPORTATION ACCESS FOR PEOPLE WITH DISABILITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 86 to title 8 as follows:

ARTICLE 86
Study of Transportation Access
for People with Disabilities

8-86-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT:

(a) ACCORDING TO UNITED STATES CENSUS BUREAU STATISTICS FROM 2009, ONLY THIRTY-EIGHT PERCENT OF PEOPLE WITH DISABILITIES AGED SIXTEEN TO SIXTY-FOUR WERE EMPLOYED, COMPARED TO SEVENTY-TWO PERCENT OF PEOPLE WITHOUT DISABILITIES AGED SIXTEEN TO SIXTY-FOUR WHO WERE EMPLOYED;

(b) INCREASINGLY, JOBS ARE GEOGRAPHICALLY DISPERSED. IN A STUDY CITED BY THE LEADERSHIP CONFERENCE EDUCATION FUND IN 2011, RESEARCHERS FOUND THAT, IN THE NINETY-EIGHT LARGEST METROPOLITAN AREAS IN THE UNITED STATES, FORTY-FIVE PERCENT OF ALL JOBS WERE LOCATED MORE THAN TEN MILES FROM THE URBAN CENTER OF THE METROPOLITAN AREA.

(c) ACCORDING TO A 2010 HARRIS POLL STUDY CONDUCTED BY THE NATIONAL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ORGANIZATION ON DISABILITY, PEOPLE WITH DISABILITIES ARE THREE TIMES MORE LIKELY TO DEPEND ON PUBLIC TRANSIT THAN PEOPLE WITHOUT DISABILITIES;

(d) HOWEVER, EXISTING PUBLIC TRANSIT IN THE UNITED STATES DOES NOT PROVIDE ADEQUATE ACCESS TO GEOGRAPHICALLY DISPERSED JOBS. ACCORDING TO A 2016 REPORT BY THE NATIONAL CONFERENCE OF STATE LEGISLATURES ON WORKFORCE DEVELOPMENT FOR PEOPLE WITH DISABILITIES, FORTY PERCENT OF RURAL AREAS IN THE UNITED STATES LACK ANY ACCESS TO PUBLIC TRANSIT. IN A 2011 STUDY BY THE BROOKINGS INSTITUTION, RESEARCHERS FOUND THAT EVEN IF PEOPLE HAVE ACCESS TO PUBLIC TRANSIT, THEY WOULD, ON AVERAGE, ONLY BE ABLE TO REACH FORTY PERCENT OF THE JOB SITES IN THEIR METROPOLITAN AREA WITHIN NINETY MINUTES.

(e) IN CONTRAST, VEHICLE OWNERSHIP SIGNIFICANTLY INCREASES A PERSON'S ACCESS TO JOB SITES. IN A PORTLAND STUDY CITED BY THE INDEPENDENCE INSTITUTE IN 2006, RESEARCHERS FOUND THAT IF A PERSON DID NOT HAVE A HIGH SCHOOL DIPLOMA BUT OWNED A VEHICLE, THAT PERSON WAS EIGHTY PERCENT MORE LIKELY TO HAVE A JOB THAN A SIMILARLY SITUATED PERSON WHO DID NOT OWN A VEHICLE. THE RESEARCHERS CONCLUDED THAT VEHICLE OWNERSHIP WAS MORE HELPFUL THAN OBTAINING A HIGH SCHOOL GENERAL EQUIVALENCY DEGREE IN GETTING A JOB.

(f) FOR SOME PEOPLE WITH DISABILITIES, HOWEVER, DRIVING A VEHICLE IS NOT AN OPTION, AND THEY MUST RELY ON PUBLIC TRANSIT AND OTHER FORMS OF FIXED-ROUTE TRANSPORTATION SERVICES TO ACCESS WORK, MEDICAL APPOINTMENTS, VETERANS' SERVICES, OR OTHER SERVICES OR ACTIVITIES OF DAILY LIVING OUTSIDE THE HOME. FIXED-ROUTE TRANSPORTATION SERVICES MIGHT NOT PROVIDE THE GEOGRAPHIC AND TIME FLEXIBILITY THAT A PERSON WITH DISABILITIES NEEDS TO ACCESS JOBS, MEDICAL OR VETERANS' SERVICES, OR OTHER SERVICES OR ACTIVITIES OF DAILY LIVING OUTSIDE THE HOME.

(g) AT THE SAME TIME, ON-CALL TRANSPORTATION SERVICES LIKE TAXICAB AND TRANSPORTATION NETWORK COMPANY SERVICES MIGHT BE TOO EXPENSIVE FOR A PERSON WITH A DISABILITY TO RELY ON FOR HIS OR HER DAILY TRANSPORTATION NEEDS, AND A GIVEN AREA'S TRANSPORTATION SERVICES COMPANIES MIGHT NOT HAVE ENOUGH VEHICLES IN THEIR FLEET THAT ARE EQUIPPED TO TRANSPORT MOBILITY EQUIPMENT. ACCORDING TO A 2002 SURVEY OF PEOPLE WITH DISABILITIES CONDUCTED BY THE BUREAU OF TRANSPORTATION STATISTICS WITHIN THE FEDERAL DEPARTMENT OF TRANSPORTATION, MORE THAN TWENTY-TWO PERCENT OF RESPONDENTS INDICATED THAT THEY NEEDED SPECIALIZED ASSISTANCE OR EQUIPMENT TO TRAVEL OUTSIDE OF THEIR HOMES, AND MORE THAN TWELVE PERCENT OF RESPONDENTS INDICATED THEY HAD DIFFICULTY GETTING THE TRANSPORTATION THEY NEED.

(h) ADVANCED PERSONALIZED SOFTWARE AND OTHER TECHNOLOGY COULD HELP INCREASE ACCESS FOR PEOPLE WITH DISABILITIES TO SUCH ON-CALL TRANSPORTATION SERVICES BY SPECIFICALLY TARGETING THE TECHNOLOGY NEEDS OF PEOPLE WITH DISABILITIES.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS IMPORTANT TO STUDY:

(a) THE TRANSPORTATION NEEDS OF PEOPLE WITH DISABILITIES IN COLORADO AND THE DEGREE TO WHICH THOSE NEEDS ARE CURRENTLY BEING MET;

(b) EXISTING AND POTENTIAL BUSINESS AND TECHNOLOGICAL SOLUTIONS THAT COULD IMPROVE TRANSPORTATION ACCESS FOR PEOPLE WITH DISABILITIES AND HOW THOSE SOLUTIONS MIGHT BEST BE IMPLEMENTED IN COLORADO;

(c) WHAT LEGAL OR OTHER BARRIERS, IF ANY, MIGHT HINDER IMPLEMENTATION OF THE POSSIBLE BUSINESS AND TECHNOLOGICAL SOLUTIONS AND HOW THOSE BARRIERS COULD BE REMOVED TO BETTER MEET THE TRANSPORTATION NEEDS OF PEOPLE WITH DISABILITIES; AND

(d) WHAT EXISTING FUNDING SOURCES, IF ANY, COULD BE LEVERAGED TO IMPROVE TRANSPORTATION ACCESS FOR PEOPLE WITH DISABILITIES.

8-86-102. Definitions. AS USED IN THIS ARTICLE 86, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AREA AGENCY ON AGING" HAS THE SAME MEANING AS SET FORTH IN SECTION 26-11-201 (2).

(2) "CROSS-DISABILITY SERVICES" MEANS SERVICES PROVIDED FOR INDIVIDUALS REPRESENTING A RANGE OF DISABILITIES.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT.

(4) "DISABILITY" MEANS A PHYSICAL OR MENTAL IMPAIRMENT OR CHRONIC MEDICAL CONDITION THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.

(5) "INDEPENDENT LIVING CENTER" HAS THE SAME MEANING SET FORTH IN SECTION 8-85-102 (5).

(6) "INDEPENDENT LIVING SERVICES" HAS THE SAME MEANING SET FORTH IN SECTION 8-85-102 (7).

(7) "PEOPLE SERVICE TRANSPORTATION" HAS THE SAME MEANING SET FORTH IN SECTION 40-1.1-102 (5).

(8) "TAXICAB SERVICE" HAS THE SAME MEANING SET FORTH IN SECTION 40-10.1-101 (19).

(9) "TRANSPORTATION NETWORK COMPANY" HAS THE SAME MEANING SET FORTH IN SECTION 40-10.1-602 (3).

8-86-103. Forum to study transportation access needs of people with disabilities - creation - membership. (1) THERE IS HEREBY CREATED A TECHNICAL DEMONSTRATION FORUM, REFERRED TO IN THIS ARTICLE 86 AS THE "FORUM", TO STUDY AND DOCUMENT HOW ADVANCED TECHNOLOGIES CAN IMPROVE TRANSPORTATION ACCESS FOR PEOPLE WITH DISABILITIES.

(2)(a) THE FORUM CONSISTS OF THE FOLLOWING EIGHT MEMBERS REPRESENTING GOVERNMENT INTERESTS:

(I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE, WHO SHALL SERVE AS CHAIR OF THE FORUM;

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR THE EXECUTIVE DIRECTOR'S DESIGNEE, WHO SHALL SERVE AS VICE-CHAIR OF THE FORUM;

(III) THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION OR THE DIRECTOR'S DESIGNEE;

(IV) THE CHIEF INFORMATION OFFICER IN THE OFFICE OF INFORMATION TECHNOLOGY OR THE CHIEF INFORMATION OFFICER'S DESIGNEE;

(V) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(VI) THE DIRECTOR OF THE DIVISION OF VETERANS AFFAIRS OR THE DIRECTOR'S DESIGNEE;

(VII) THE SUPERINTENDENT OF THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND OR THE SUPERINTENDENT'S DESIGNEE; AND

(VIII) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

(b) THE FORUM SHALL INVITE REPRESENTATIVES OF VARIOUS INTERESTED GROUPS TO PRESENT ON THE ISSUES TO BE STUDIED PURSUANT TO SECTION 8-86-104, INCLUDING REPRESENTATIVES OF THE FOLLOWING GROUPS:

(I) REPRESENTATIVES OF FOR-PROFIT AND NOT-FOR-PROFIT ORGANIZATIONS PROVIDING CROSS-DISABILITY SERVICES FOR PEOPLE WITH DISABILITIES, INCLUDING REPRESENTATIVES OF COMMUNITY-CENTERED BOARDS DESIGNATED PURSUANT TO SECTION 25.5-10-209;

(II) INDIVIDUALS WITH DISABILITIES, INCLUDING THOSE WHO RECEIVE INDEPENDENT LIVING SERVICES FROM AN INDEPENDENT LIVING CENTER;

(III) REPRESENTATIVES OF TRANSPORTATION NETWORK COMPANIES;

(IV) REPRESENTATIVES OF TAXICAB SERVICES, PREFERABLY THOSE WHO REPRESENT A TAXICAB SERVICE THAT OFFERS OR IS IN THE PROCESS OF DEVELOPING A NETWORK PLATFORM THAT ALLOWS CUSTOMERS TO REQUEST ON-DEMAND RIDES THROUGH USE OF A MOBILE PHONE APPLICATION;

(V) REPRESENTATIVES OF THE STATEWIDE INDEPENDENT LIVING COUNCIL, CREATED PURSUANT TO THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED, 29 U.S.C. SEC. 701 ET SEQ.;

(VI) REPRESENTATIVES OF THE STATE REHABILITATION COUNCIL IN THE DEPARTMENT;

(VII) REPRESENTATIVES OF COUNTY SOCIAL SERVICE AGENCIES;

(VIII) REPRESENTATIVES OF AREA AGENCIES ON AGING;

(IX) REPRESENTATIVES OF ORGANIZATIONS PROVIDING PEOPLE SERVICE TRANSPORTATION TO PEOPLE WITH DISABILITIES; AND

(X) REPRESENTATIVES OF COMPANIES THAT DEVELOP TECHNOLOGICAL PRODUCTS AND APPLICATIONS RELATED TO TRANSPORTATION ACCESS FOR PEOPLE WITH DISABILITIES.

(3) (a) THE FORUM SHALL MEET AT THE CALL OF THE CHAIR AS MANY TIMES AS THE CHAIR DEEMS NECESSARY.

(b) THE FIRST MEETING OF THE FORUM MUST TAKE PLACE ON OR BEFORE JULY 1, 2017.

(c) IF PRACTICABLE AND AT THE DISCRETION OF THE CHAIR, A FORUM MEMBER MAY ATTEND A MEETING OF THE FORUM REMOTELY VIA TWO-WAY TELECONFERENCING OR VIDEO CONFERENCING.

(d) AT THE DISCRETION OF THE CHAIR, THE FORUM MAY DESIGNATE ONE OR MORE SUBCOMMITTEES FROM AMONG ITS MEMBERS TO PERFORM ANY OF THE DUTIES OF THE FORUM SET FORTH IN SECTION 8-86-104.

(4) THE FORUM MAY HOLD ITS MEETINGS AT AN INDEPENDENT LIVING CENTER IN OR NEAR EL PASO OR TELLER COUNTIES.

8-86-104. Duties of forum - recommendations. (1) THE DUTIES OF THE FORUM ARE TO:

(a) STUDY THE UNIQUE NEEDS OF, ISSUES SURROUNDING, AND OBSTACLES FACING, PEOPLE WITH DISABILITIES CONCERNING ACCESS TO TRANSPORTATION;

(b) IN ORDER TO DEMONSTRATE THE SPECIFIC TRANSPORTATION ACCESS NEEDS OF PEOPLE WITH DISABILITIES IN BOTH URBAN AND RURAL AREAS OF THE STATE, REVIEW THE DEGREE TO WHICH THE TRANSPORTATION NEEDS OF PEOPLE WITH DISABILITIES ARE BEING MET IN EL PASO AND TELLER COUNTIES;

(c) DETERMINE THE AVAILABILITY OF TECHNOLOGY AND TRANSPORTATION BUSINESS OPTIONS IN VARIOUS GEOGRAPHIC AREAS OF THE STATE, INCLUDING EL PASO AND TELLER COUNTIES, THAT ARE SPECIFICALLY TAILORED TO PROVIDE TRANSPORTATION ACCESS TO PEOPLE WITH DISABILITIES;

(d) EXPLORE TECHNOLOGICAL AND TRANSPORTATION BUSINESS SOLUTIONS THAT COULD INCREASE TRANSPORTATION ACCESS FOR PEOPLE WITH DISABILITIES;

(e) DETERMINE WHAT EXISTING FUNDING SOURCES, IF ANY, INCLUDING FEDERAL,

STATE, OR LOCAL GOVERNMENT GRANTS OR FOR-PROFIT OR NONPROFIT GRANTS, COULD BE LEVERAGED TO IMPROVE TRANSPORTATION ACCESS FOR PEOPLE WITH DISABILITIES; AND

(f) AS APPROPRIATE, MAKE LEGISLATIVE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AS PART OF THE FORUM'S REPORTING REQUIREMENTS SET FORTH IN SECTION 8-86-105.

(2) (a) IF THE FORUM DETERMINES THAT CERTAIN TECHNOLOGICAL OR TRANSPORTATION BUSINESS SOLUTIONS SEEM TO PROVIDE A PROMISING STRATEGY TO INCREASE TRANSPORTATION ACCESS FOR PEOPLE WITH DISABILITIES, THE FORUM MAY RECOMMEND THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT ENTER INTO A CONTRACT, IN ACCORDANCE WITH THE COMPETITIVE BIDDING PROCEDURES SET FORTH IN THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, WITH A TECHNOLOGY DEVELOPER, TRANSPORTATION NETWORK COMPANY, TAXICAB SERVICE, OR OTHER TECHNOLOGICAL OR TRANSPORTATION BUSINESS SOLUTION PROVIDER TO CONDUCT ONE OR MORE PILOT PROJECTS IN EL PASO COUNTY, TELLER COUNTY, OR BOTH COUNTIES TO DEMONSTRATE THE EFFICACY OF THE TECHNOLOGICAL OR TRANSPORTATION BUSINESS SOLUTION TO IMPROVE TRANSPORTATION ACCESS FOR PEOPLE WITH DISABILITIES WITHIN A SPECIFIC GEOGRAPHIC AREA WHERE SUCH ACCESS IS LACKING.

(b) ANY PILOT PROJECT CONDUCTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST BE COMPLETED BY DECEMBER 1, 2017, SO THAT THE RESULTS OF THE PILOT PROJECT MAY BE REPORTED ON OR BEFORE DECEMBER 31, 2017, IN ACCORDANCE WITH SECTION 8-86-105.

8-86-105. Reporting. (1) ON OR BEFORE DECEMBER 31, 2017, THE FORUM SHALL PUBLISH ON THE DEPARTMENT'S WEBSITE A REPORT OF ITS RESEARCH AND FINDINGS, THE RESULTS OF ANY PILOT PROJECTS CONDUCTED PURSUANT TO SECTION 8-86-104 (2)(a), AND ANY LEGISLATIVE RECOMMENDATIONS DEVELOPED IN ACCORDANCE WITH SECTION 8-86-104 (1)(f). THE FORUM SHALL FURNISH COPIES OF THE REPORT TO:

(a) THE GOVERNOR;

(b) THE MEMBERS OF THE GENERAL ASSEMBLY'S MAJORITY AND MINORITY LEADERSHIP;

(c) THE MEMBERS OF THE HEALTH, INSURANCE, AND ENVIRONMENT COMMITTEE IN THE HOUSE OF REPRESENTATIVES OR ITS SUCCESSOR COMMITTEE;

(d) THE MEMBERS OF THE TRANSPORTATION AND ENERGY COMMITTEE IN THE HOUSE OF REPRESENTATIVES OR ITS SUCCESSOR COMMITTEE;

(e) THE MEMBERS OF THE HEALTH AND HUMAN SERVICES COMMITTEE IN THE SENATE OR ITS SUCCESSOR COMMITTEE;

(f) THE MEMBERS OF THE TRANSPORTATION COMMITTEE IN THE SENATE OR ITS SUCCESSOR COMMITTEE; AND

(g) THE MEMBERS OF THE JOINT BUDGET COMMITTEE.

8-86-106. Repeal of article. THIS ARTICLE 86 IS REPEALED, EFFECTIVE JULY 1, 2018.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 20, 2017