

117TH CONGRESS
1ST SESSION

S. 1172

To direct the Secretary of Transportation to carry out a grant program to support efforts to provide fare-free transit service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2021

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To direct the Secretary of Transportation to carry out a grant program to support efforts to provide fare-free transit service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom to Move Act”.

5 **SEC. 2. PURPOSE.**

6 The purposes of this Act are—

7 (1) to invest in the efforts of States, counties,
8 and local municipalities to provide fare-free public
9 transportation; and

1 (2) to support States, counties, and local mu-
2 nicipalities in improving and expanding access to
3 safe, accessible, and reliable mass transit systems in
4 order to improve the livability of communities.

5 **SEC. 3. FINDINGS.**

6 Congress finds the following:

7 (1) Increasing access to safe, reliable, and af-
8 fordable public transit systems, including buses,
9 light rail, and subways can help increase community
10 livability and access to critical services such as edu-
11 cation, jobs, and healthcare.

12 (2) The cost of transit fares can act as a chal-
13 lenging economic barrier for low-income individuals
14 and families who are most likely to rely on public
15 transportation to access critical services and must
16 spend larger parts of their household budget on
17 transportation services. Removing economic barriers
18 to safe, reliable, and affordable public transit can
19 help to increase social and economic mobility by in-
20 creasing access to education, training, and employ-
21 ment.

22 (3) Individuals with disabilities are twice as
23 likely as those without disabilities to have inadequate
24 access to safe, affordable, and reliable transpor-
25 tation. Reports have found that of the nearly

1 2,000,000 people with disabilities who are unable to
2 leave their homes, nearly 30 percent are unable to
3 do so due to a lack of adequate transportation.

4 (4) As the senior population continues to grow,
5 an increasing number of elderly adults depend on
6 public transit to access medical care and other vital
7 services. Additionally, the percentage of 13- to 34-
8 year-olds without a driver's license continues to
9 grow. Taken together, these trends show the unprec-
10 edented urgency of investing in and improving the
11 public transit systems of the United States.

12 (5) According to the Department of Transpor-
13 tation, transportation accounts for 29 percent of
14 greenhouse gas emissions in the United States. Pub-
15 lic transportation, however, produces significantly
16 lower greenhouse gas emissions per passenger mile
17 than transportation by private vehicles. Increasing
18 public transit ridership and moving more people to
19 and from critical services with fewer vehicles on the
20 road can reduce greenhouse gas emissions.

21 (6) Eliminating transit fares and significantly
22 reducing economic barriers to public transit will help
23 to reduce the need for fare evasion policies that dis-
24 proportionately criminalize low-income individuals
25 and people of color.

1 **SEC. 4. GRANTS TO SUPPORT FARE-FREE TRANSIT.**

2 (a) DEFINITIONS.—In this section:

3 (1) ELIGIBLE ENTITY.—In this section, the
4 term “eligible entity” means—

5 (A) a State, a political subdivision of a
6 State, or an Indian Tribe;

7 (B) a transit agency;

8 (C) a private nonprofit organization en-
9 gaged in public transportation in a rural area;
10 or

11 (D) a partnership between 2 or more enti-
12 ties described in subparagraphs (A) through
13 (C).

14 (2) FOSTER CARE YOUTH.—The term “foster
15 care youth”—

16 (A) means children and youth whose care
17 and placement are the responsibility of the
18 State or Tribal agency that administers a State
19 or Tribal plan under part B or E of title IV of
20 the Social Security Act (42 U.S.C. 621 et seq.
21 and 670 et seq.), without regard to whether fos-
22 ter care maintenance payments are made under
23 section 472 of that Act (42 U.S.C. 672) on be-
24 half of such children and youth; and

25 (B) includes individuals who were age 13
26 or older when their care and placement were

1 the responsibility of a State or Tribal agency
2 that administered a State or Tribal plan under
3 part B or E of title IV of the Social Security
4 Act (42 U.S.C. 621 et seq. and 670 et seq.)
5 and who are no longer under the care and re-
6 sponsibility of such a State or Tribal agency,
7 without regard to any such individual's subse-
8 quent adoption, guardianship arrangement, or
9 other form of permanency outcome.

10 (3) INDIAN TRIBE.—The term “Indian Tribe”
11 means an Indian tribe, as that term is used in chap-
12 ter 53 of title 49, United States Code.

13 (4) LOW-INCOME INDIVIDUAL.—The term “low-
14 income individual” means an individual whose family
15 income is at or below 150 percent of the poverty line
16 (as that term is defined in section 673(2) of the
17 Community Services Block Grant Act (42 U.S.C.
18 9902(2)), including any revision required by that
19 section) for a family of the size involved.

20 (5) MASS TRANSIT; PUBLIC TRANSIT; TRAN-
21 SIT.—The terms “mass transit”, “public transit”,
22 and “transit” mean public transportation.

23 (6) PUBLIC TRANSPORTATION.—The term
24 “public transportation”—

(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and

(B) does not include—

(i) intercity passenger rail transportation provided by the entity described in chapter 243 of title 49, United States Code (or a successor to that entity);

(ii) intercity bus service;

(iii) charter bus service;

(iv) school bus service;

(v) sightseeing service;

(vi) courtesy shuttle service for patrons of one or more specific establishments; or

(vii) intra-terminal or intra-facility shuttle services.

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

(8) STATE.—The term “State” has the meaning given the term in section 5302 of title 49, United States Code.

1 (9) UNDERSERVED COMMUNITY.—The term
2 “underserved community” means—

3 (A) a community that—

4 (i) is not served by any existing bus
5 route; or

6 (ii) receives infrequent bus service;
7 and

8 (B) a community located in an area within
9 a census tract that is identified as—

10 (i) a low-income community; and

11 (ii) a community of color.

12 (b) GRANTS AUTHORIZED.—Not later than 360 days
13 after the date of enactment of this Act, the Secretary shall
14 award grants (which shall be known as “Freedom to Move
15 Grants”) to eligible entities, on a competitive basis, to
16 cover the lost fare revenue for fare-free public transpor-
17 tation and improve public transportation.

18 (c) APPLICATION.—To be eligible to receive a grant
19 under this section, an eligible entity shall submit to the
20 Secretary an application at such time, in such manner,
21 and containing such information as the Secretary may re-
22 quire, including, at a minimum, the following:

23 (1) A description of how the eligible entity
24 plans to implement fare-free transit access.

1 (2) A description of how the eligible entity will
2 work to expand and improve bus service, which may
3 include—

4 (A) a bus network redesign;

5 (B) how the bus network redesign will
6 prioritize consistent and reliable service for low-
7 income and underserved communities;

8 (C) how the bus network redesign will
9 prioritize connectivity to critical services and
10 improve community livability; and

11 (D) how the eligible entity will meaning-
12 fully consult with members of the community,
13 community leaders, local stakeholders and advo-
14 cates (including transit advocates and disability
15 advocates), local education agencies and institu-
16 tions of higher education, community devel-
17 opers, labor unions, public housing agencies,
18 and workforce development boards, while facili-
19 tating the bus network redesign.

20 (3) A description of how the eligible entity will
21 meaningfully partner and collaborate with members
22 of the community, community leaders, local stake-
23 holders and advocates (including transit advocates
24 and disability advocates), local education agencies
25 and institutions of higher education, community de-

1 developers, labor unions, public housing agencies and
 2 workforce development boards to support outreach
 3 efforts to increase awareness of fare-free transit pro-
 4 grams, including fare-free bus programs.

5 (4) A description of the eligible entity's equity
 6 evaluation examining any equity and mobility gaps
 7 within each transit system operated by the eligible
 8 entity or within the geographic area under the juris-
 9 diction of the eligible entity, and how the eligible en-
 10 tity plans to significantly close those gaps, includ-
 11 ing—

12 (A) the average commute time for driver
 13 commuters and non-driver commuters;

14 (B) public transit ridership rates
 15 disaggregated by—

16 (i) mode of transportation; and

17 (ii) demographic group, including
 18 youth (including foster care youth), sen-
 19 iors, individuals with disabilities, and low-
 20 income individuals; and

21 (C) average length of bus routes and aver-
 22 age delay times.

23 (5) A description of the eligible entity's fare
 24 evasion enforcement policies, including—

1 (A) the cost of the fine, if any, and wheth-
 2 er the infraction is considered a civil offense or
 3 a criminal offense punishable by imprisonment;

4 (B) the number of individuals charged with
 5 violating a fare evasion policy, disaggregated by
 6 age, race, gender, and disability status; and

7 (C) how the eligible entity plans to elimi-
 8 nate fare evasion policies and end the criminal-
 9 ization of individuals evading fares.

10 (6) An estimate of additional costs that the eli-
 11 gible entity will incur as a result of increased rider-
 12 ship, including—

13 (A) fuel costs;

14 (B) personnel costs;

15 (C) maintenance costs; and

16 (D) other operational costs.

17 (7) Information and statistics on assaults on
 18 transit employees and a description of each training
 19 or policy used or intended to be used to protect em-
 20 ployees, which may include de-escalation training.

21 (d) DURATION.—A grant awarded under this section
 22 shall be for a 5-year period.

23 (e) SELECTION OF ELIGIBLE ENTITIES.—In carrying
 24 out the grant program under this section, the Secretary

1 shall award grants to eligible entities located in both rural
2 and urbanized areas.

3 (f) USES OF FUNDS.—An eligible entity that receives
4 a grant under this section shall use the grant to support—

5 (1) implementing a fare-free transit program;
6 and

7 (2) efforts to improve public transportation,
8 particularly in underserved communities, including
9 costs associated with efforts to provide more safe,
10 frequent, and reliable bus service, including—

11 (A) bus stop safety and accessibility im-
12 provements;

13 (B) pedestrian and bike shelters;

14 (C) signage;

15 (D) painted bus lanes;

16 (E) signal priority systems;

17 (F) street redesign;

18 (G) operational costs to meet demands of
19 increased ridership, including hiring and train-
20 ing of personnel; and

21 (H) conducting a bus network redesign.

22 (g) REPORT.—

23 (1) IN GENERAL.—Not later than 3 years after
24 the date on which funds are made available to carry
25 out this section, the Secretary shall—

1 (A) collect data from each eligible entity
 2 receiving a grant under this section on the
 3 progress of the entity in meeting the targets de-
 4 scribed in the application of the entity; and

5 (B) publish and submit to Congress a re-
 6 port containing the data collected under sub-
 7 paragraph (A).

8 (2) REQUIREMENTS.—The report required
 9 under paragraph (1) shall—

10 (A) include data on demographics of com-
 11 munities served under this section,
 12 disaggregated and cross-tabulated by—

13 (i) race;

14 (ii) ethnicity;

15 (iii) sex; and

16 (iv) household median income; and

17 (B) assess the progress of eligible entities
 18 towards significantly closing transit equity and
 19 mobility gaps as described in subsection (c)(4).

20 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
 21 authorized to be appropriated to carry out this section
 22 \$5,000,000,000 for each of fiscal years 2022 through
 23 2026.

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