

1 [Cost-Sharing Agreement - Retroactive - BART - Paratransit Services - Reimbursement by  
2 BART]

3 **Resolution retroactively authorizing the Director of Transportation to execute a new**  
4 **Cost-Sharing Agreement for paratransit services between the City and County of San**  
5 **Francisco, through the Municipal Transportation Agency (SFMTA), and the Bay Area**  
6 **Rapid Transit District (BART), under which BART will reimburse the SFMTA for**  
7 **providing BART’s paratransit services within San Francisco for a one year period from**  
8 **July 1, 2022, through June 30, 2023, with nine one-year automatic renewal options, for a**  
9 **maximum term of ten years.**

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11 WHEREAS, Section 223 of the Americans with Disabilities Act of 1990 (ADA) requires  
12 that BART and the San Francisco Municipal Transportation Agency (SFMTA) provide  
13 paratransit services within their service areas to individuals whose disabilities will not allow  
14 them to use regular fixed route transit service; and

15 WHEREAS, The SFMTA administers a Paratransit Program for ADA paratransit-  
16 eligible individuals in San Francisco through its Paratransit Broker and has provided these  
17 services to eligible individuals in BART's service area since 1994; and

18 WHEREAS, On November 16, 2010, the SFMTA Board of Directors adopted  
19 Resolution No. 10-144, which authorized the execution of a Cost-Sharing Agreement for  
20 Paratransit Services with BART, which agreement was approved by the Board of Supervisors  
21 on December 10, 2010; and

22 WHEREAS, The City has applied for and received from the Metropolitan Transportation  
23 Commission, State Transit Assistance (STA) funds and Transportation Development Act  
24 (TDA) funds to implement paratransit services in San Francisco; and

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1           WHEREAS, BART has agreed to continue to contribute its share of the cost of  
2 providing ADA paratransit services in San Francisco, less the value of its share of STA and  
3 TDA funds which the MTC has allocated to the City for this purpose; and

4           WHEREAS, BART commissioned a study of taxi, SF Access, group van and  
5 Commission on the Aging paratransit services to determine how much of the paratransit costs  
6 in San Francisco would be attributable to BART; the results of which indicated that  
7 approximately 7.9 percent of the overall costs for ADA paratransit should be borne by BART;  
8 and

9           WHEREAS, The SFMTA and BART are entering into this Agreement for the purpose of  
10 continuing a cost-sharing arrangement whereby BART reimburses the SFMTA for providing  
11 BART's mandated ADA paratransit services within San Francisco for up to ten years; and

12           WHEREAS, On October 4, 2022, the SFMTA, under authority delegated by the  
13 Planning Department, determined that the Cost-Sharing Agreement for Paratransit Services is  
14 not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of  
15 the California Code of Regulations, Sections 15060(c) and 15378(b); and

16           WHEREAS, A copy of the CEQA determination is on file with the Clerk of the  
17 Board of Supervisors and which is hereby declared to be a part of this resolution as if set forth  
18 fully herein; now, therefore, be it

19           RESOLVED, That the Board of Supervisors authorizes the Director of Transportation to  
20 execute a new Cost-Sharing Agreement for Paratransit Services between the City, through  
21 the SFMTA, and the Bay Area Rapid Transit District (BART), under which BART will  
22 reimburse the SFMTA for providing BART's patrons with ADA paratransit services within San  
23 Francisco for a retroactive period from July 1, 2022, through June 30, 2023, with nine one-  
24 year automatic renewal options, for a maximum term of 10 years; and, be it

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1           FURTHER RESOLVED, That within 30 days of the document being fully executed by  
2 all parties, the final document shall be provided to the Clerk of the Board for inclusion in the  
3 official file.

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