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Jeffrey Tumlin, Director of Transportation

November 11, 2022

**The Honorable Members of the Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton Goodlett Place, Room 244  
San Francisco, CA 94102**

***Subject: Request for Approval – Execute Agreement No. 6M7320 to establish a new cost sharing agreement with BART for Paratransit Services in San Francisco***

Honorable Members of the Board of Supervisors:

The San Francisco Municipal Transportation Agency (SFMTA) requests that the San Francisco Board of Supervisors authorize the Director of Transportation to execute Agreement No. 6M7320, a new Cost-Sharing Agreement for Paratransit Services between the City, through the SFMTA, and the Bay Area Rapid Transit District (BART), under which BART will reimburse the SFMTA for providing BART's ADA paratransit services within San Francisco for a retroactive period from July 1, 2022 through June 30, 2023, with nine one-year automatic renewal options, for a maximum term of 10 years.

## **BACKGROUND**

Section 223 of the Americans with Disabilities Act of 1990 (ADA) requires that BART and the SFMTA provide paratransit services within their service areas to individuals whose disabilities will not allow them to use regular fixed route transit service. Since 1994, the SFMTA has provided paratransit services to meet BART's ADA paratransit obligations for trips within San Francisco, for which the SFMTA receives reimbursement from BART. This arrangement was initially authorized after BART commissioned a study of taxi, SF Access, group van and Commission on the Aging paratransit services to determine BART's share of paratransit responsibilities within San Francisco. Currently, the SFMTA provides these services through its Paratransit Broker, Transdev Services, Inc.

The last cost-sharing agreement was entered into in 2010, amended in 2013 (after a second consultant study), and expired in 2020. Paratransit staff efforts over the last couple of years have been focused on responding to the COVID pandemic. BART, which had drafted the prior cost-sharing agreement, did not prepare a new agreement until recently, although BART continued to pay under the expired agreement. Neither BART nor the SFMTA realized that the 2010 agreement had expired.

The key elements of the new Cost-Sharing Agreement essentially mirror the prior agreement:

- BART is responsible for 7.9 percent of all paratransit trips in San Francisco.

- The 7.9 percent is based on a statistical analysis of the paratransit trips in San Francisco. A random sampling of actual paratransit trips was analyzed to determine BART's share of responsibility, based on route miles and trip duration for both Muni and BART service areas.
- BART provides 7.9 percent of the annual paratransit budget, excluding funding sources which BART is eligible to receive on its own; namely, State Transportation Development Act funds, State Transit Assistance funds, and fare revenues. The estimated amount of BART's contribution for FY 22/23 is \$1.25 million.
- An additional 4.7 percent administrative cost is applied to the BART's share of the annual cost of paratransit services in San Francisco.
- This new Agreement is for one year, effective (retroactively) as of July 1, 2022), with automatic renewals up to 10 years unless terminated by either party with a 180-day termination notice.

### **ALTERNATIVES CONSIDERED**

An alternative to this agreement would be for BART to operate its own paratransit system in San Francisco for ADA-eligible persons traveling in the BART corridor. A separate program would likely not be cost-effective because it would be duplicative, the fixed costs would be higher, and there would be no opportunity to take advantage of the economies of scale offered by the larger SFMTA program. A separate service would also be very complicated for customers because they would have to choose between two paratransit service programs for trips along the BART corridor.

### **STAKEHOLDER ENGAGEMENT**

The Executive Committee of the Paratransit Coordinating Council, an advisory committee comprised of paratransit consumers, community representatives, and service providers who provide feedback regarding the SF Paratransit program, were informed and are supportive of the SFMTA entering into another cost-sharing agreement with BART.

### **FUNDING IMPACT**

The City has applied for and received from the Metropolitan Transportation Commission, State Transit Assistance (STA) funds and Transportation Development Act (TDA) funds to implement paratransit services in San Francisco. BART has agreed to continue to contribute its share of the cost of providing ADA paratransit services in San Francisco, less the value of its share of STA and TDA funds which the MTC has allocated to the City for this purpose. This agreement will bring approximately \$2.3 million in funding from BART for the SFMTA's paratransit operating budget each year.

**SFMTA BOARD ACTION**

On December 6, 2022, the SFMTA Board of Directors is scheduled to act on Agreement No. 6M7320, authorizing the Director of Transportation to execute the new Cost-Sharing Agreement for Paratransit Services between the City, through the SFMTA, and the BART, under which BART will reimburse the SFMTA for providing BART’s ADA paratransit services within San Francisco for a retroactive period from July 1, 2022 through June 30, 2023, with nine one-year automatic renewal options, for a maximum term of 10 years.

**REQUEST FOR APPROVAL**

The SFMTA respectfully requests that the Board of Supervisors authorize the Director of Transportation to execute Agreement No. 6M7320, a new Cost-Sharing Agreement for Paratransit Services between the City, through the SFMTA, and the BART, under which BART will reimburse the SFMTA for providing BART’s ADA paratransit services within San Francisco for a retroactive period from July 1, 2022 through June 30, 2023, with nine one-year automatic renewal options, for a maximum term of 10 years.

Sincerely,



Jeffrey P. Tumlin  
Director of Transportation