

**Item 4**  
**File 10-1539**

**Departments:**  
San Francisco Municipal Transportation Agency (MTA);

## EXECUTIVE SUMMARY

### Legislative Objective

- The proposed resolution would approve a new cost-sharing agreement between MTA and Bay Area Rapid Transit (BART), in which (1) MTA would continue to provide paratransit services in the BART service areas within the City, (2) BART would continue to pay 8.8 percent of MTA's net operating expenditures for such paratransit services, and (3) BART would begin paying MTA an additional 5.0 percent of that 8.8 percent for MTA's administrative costs with a one-year term retroactive from July 1, 2010 through June 30, 2011, and nine one-year automatic renewal options, that could extend the proposed agreement through June 30, 2020 for a maximum term of ten years.

### Key Points

- On February 22, 2001, MTA and BART entered into a second cost-sharing agreement in which (1) MTA continued to provide paratransit services in areas where MTA's San Francisco Municipal Railway (MUNI) and BART service areas overlap, and (2) BART continued to pay MTA 8.8 percent of MTA's costs for providing BART's share of paratransit services within the City, for a one year period retroactive to July 1, 2000 through June 30, 2001, with nine one-year automatic renewal options that extended the cost-sharing agreement through June 30, 2010, for a maximum term of ten years. BART's payments are based on a 1994 cost-sharing study that determined BART's responsibility at 8.8 percent of total MTA paratransit net operating costs. Although required in accordance with the City' Charter, the 2001 cost-sharing agreement between MTA and BART was not submitted by the MTA to the Board of Supervisors for approval.
- Since July 1, 2010, when the previous cost-sharing agreement expired, BART has continued paying MTA according to the previous cost-sharing agreement's terms, with BART paying 8.8 percent of MTA's net operating expenditures for the Paratransit Program, excluding MTA's administrative costs.
- The proposed reimbursement rate to be paid by BART to MTA of 5.0 percent of the 8.8 percent share for MTA's administrative costs mirrors a separate agreement between MTA and BART in which BART maintains both MUNI Metro and BART stations and MTA reimburses BART for MTA's portion of the maintenance costs and MTA also pays BART an additional 5.0 percent to pay a portion of BART's administrative costs associated with conducting that maintenance.

### Fiscal Impact

- Under the proposed resolution, BART would continue to pay 8.8 percent of MTA's costs paid to Veolia Transportation Services, MTA's paratransit service provider, for providing paratransit services where MTA and BART service areas overlap in San Francisco plus BART will pay MTA an additional 5.0 percent of the 8.8 percent share to partially reimburse MTA for administrative expenses retroactive from July 1, 2010 through June 30, 2012, or for two years, unless a new cost-sharing study is completed. If a new cost-sharing study is completed, BART would be responsible for reimbursing MTA, according to the new rates determined by that new cost-sharing study, for the remaining 8 years

of the proposed agreement.

- Assuming the reimbursement rates remain the same, BART would reimburse MTA an estimated total of \$12,243,577 from FY 2010-11 through FY 2019-20, including \$583,029 for MTA's administrative expenses.

### **Policy Considerations**

- MTA has recently replaced the taxi scrip program under MTA's Paratransit Program with a debit card system, which will provide MTA and BART with accurate data on trip origins and destinations for taxi services. As a result of the new debit card system and the need to re-evaluate the reimbursement rate for MTA's administrative costs, MTA anticipates completing a new cost-sharing study by June 30, 2012, based on the improved and more accurate data.
- Given that the proposed agreement only provides that BART reimburse MTA for administrative expenses through June 30, 2012 unless a new cost-sharing study is completed, in the professional judgment of the Budget and Legislative Analyst the proposed agreement should be amended to require that a new cost-sharing study be completed prior to June 30, 2012.
- The Budget and Legislative Analyst also recommends that the proposed agreement be amended to require that any future changes to the proposed cost-sharing agreement that result in fiscal impacts to the City be subject to Board of Supervisors approval. Under the proposed agreement, MTA and BART, without first obtaining Board of Supervisors approval, can in the future amend the proposed cost-sharing agreement, if the results of a new cost-sharing study determine that the percentage to be paid by BART to MTA should be changed, either up or down.

### **Recommendations**

- Amend the proposed resolution to provide for retroactivity to July 1, 2010.
- Continue the proposed amended resolution as amended and request the MTA to:
  - (a) Amend the proposed cost-sharing agreement to require that a new cost-sharing study be completed to determine how much of the costs of the MTA's Paratransit Program, including MTA's administrative expenses, should be reimbursed by BART to the MTA. Such a new study should be completed by June 30, 2012.
  - (b) Amend the proposed cost-sharing agreement between MTA and BART to reflect that any future changes to the cost-sharing agreement, which have fiscal impacts to the City, be subject to Board of Supervisors approval. As noted above, under the proposed agreement, MTA and BART, without first obtaining Board of Supervisors approval, can in the future amend the proposed cost-sharing agreement, if the results of a new cost-sharing study determine that the percentage to be paid by BART to MTA should be changed, either up or down.

**MANDATE STATEMENT / BACKGROUND****Mandate Statement**

City Charter Section 9.118 (a) requires that any agreement having anticipated revenue to the City and County of \$1,000,000 or more is subject to approval by resolution of the Board of Supervisors.

**Background**

The Americans with Disabilities Act of 1990<sup>1</sup> (ADA) requires the Bay Area Rapid Transit (BART) and the Municipal Transportation Agency (MTA) to provide door-to-door paratransit transportation to individuals within their service areas who are unable to independently use fixed-route public transportation some or all of the time due to a disability or health-related condition. Paratransit is an alternative mode of passenger transportation that (1) does not follow fixed routes or schedules, and (2) is usually provided by vans, buses, and taxis. Individuals must be certified for paratransit services based on ADA eligibility criteria pertaining to disabilities and health-related conditions.

Since 1978, MTA has operated the City's Paratransit Program to provide paratransit services for eligible individuals in areas where MTA's Municipal Railway (MUNI) and BART service areas overlap. According to Ms. Annette Williams, Manager of the Accessible Services Program at MTA, MUNI and BART service areas overlap along the BART corridor in the City, consisting of (a) Market Street between the Embarcadero and Civic Center BART stations, (b) Mission Street in the Mission District, and (c) the areas around the Glen Park, Balboa Park, and Daly City BART stations. Because of the overlap, in 1994, MTA and BART agreed that MTA would provide paratransit services within the City, while BART would reimburse MTA a negotiated amount representing BART's share of responsibility for providing such paratransit services.

San Francisco's Paratransit Program consists of three components: (1) San Francisco Access, which provides pre-scheduled, door-to-door van services, (2) Group Van Services, which provide pre-scheduled group trips to and from 35 San Francisco social service agencies using vans and buses, and (3) Taxi Services, which provides paratransit services through the San Francisco Taxi Fleet<sup>2</sup>.

In 1994, MTA and BART contracted with a consulting firm, Craine and Associates, Incorporated, to conduct a cost-sharing study to determine how much of the costs of MTA's Paratransit Program would be attributable to BART. The study analyzed a random sample of paratransit trips in the City to determine which specific transit routes a paratransit customer was likely to take if that paratransit customer were completing their trips on either MTA or BART. According to the 1994 cost-sharing study, 8.8 percent of the overall costs of San Francisco's Paratransit Program should be paid by BART to MTA, with the remaining 91.2 percent of the overall Paratransit Program costs paid by MTA.

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<sup>1</sup> The Americans with Disabilities Act of 1990 became effective in 1992 and required full implementation of paratransit services by 1997.

<sup>2</sup> The San Francisco Taxi Fleet consists of 1,400 sedans and 100 wheelchair accessible ramped minivans, according to Ms. Williams of the MTA. The City's Transportation Code, Division II, Article 1100, Section 1106(j) requires that the Taxi Fleet participate in the Paratransit Program.

On February 1, 1995, the Board of Supervisors approved the original cost-sharing agreement between MTA and BART, effective for the six-year period from July 1, 1994 through June 30, 2000. Under this original agreement MTA agreed to provide paratransit services in areas where MUNI and BART service areas overlap, while BART agreed to pay 8.8 percent of MTA's costs for providing BART's share of paratransit services within the City. Under the original agreement, BART did not pay the MTA for any portion of MTA's administrative costs.

The 8.8 percent is applied to the MTA and BART cost-sharing formula after MTA's Paratransit Program estimated total operating expenditures are first reduced by (1) the amount of State funds provided to MTA's Paratransit Program from State Transit Assistance and Transportation Development Act funding, (2) an estimate of paratransit fare revenues received by the MTA for the fiscal year, and (3) the difference between estimated paratransit fare revenues and the amount that would be generated if the maximum paratransit fares were charged.<sup>3</sup> According to Ms. Williams, such reductions are made in order to arrive at MTA's estimated net operating expenditures for the Paratransit Program. MTA then bills BART 8.8 percent of these estimated net operating expenditures for the first three quarters of the fiscal year. At the end of the fiscal year (fourth quarter), MTA determines the actual net operating expenditures for that fiscal year, deducts BART's payments from the first three quarters and BART pays the difference.

On February 22, 2001, MTA and BART entered into a second cost-sharing agreement in which (1) MTA continued to provide paratransit services in areas where MTA's MUNI and BART service areas overlap, and (2) BART continued to pay 8.8 percent of MTA's costs for providing BART's share of paratransit services within the City, for a one year period from July 1, 2000 through June 30, 2001, with nine one-year automatic renewal options that extended this second cost-sharing agreement through June 30, 2010, for a maximum term of ten years. According to Ms. Williams, both MTA and BART reviewed the above-mentioned 1994 cost-sharing study at that time and determined that no substantial changes in BART or MTA transit routes or paratransit services had occurred that warranted a new cost-sharing study or a change of terms in the second cost-sharing agreement.

Ms. Williams, in consultation with the City Attorney's Office, states that although the 2001 cost-sharing agreement between MTA and BART had anticipated revenues of more than \$1,000,000 to the MTA, this second cost-sharing agreement was not submitted by the MTA to the Board of Supervisors for approval. As noted above in the Mandate Statement section of this report, in accordance with Charter Section 9.118 (a), any agreement having anticipated revenue to the City and County of \$1,000,000 or more is subject to approval, by resolution, of the Board

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<sup>3</sup> Under the ADA, MTA and BART are allowed to charge paratransit riders up to twice the adult fixed route fare for paratransit services. Historically, MTA has not charged the maximum allowable fare to paratransit riders because the vast majority of paratransit riders are low-income. Ms. Williams advises that, MTA currently charges paratransit riders \$2 per one-way ride, rather than the maximum allowable fare of \$4 per ride because charging the maximum of \$4 per ride would place an undue burden on those paratransit customers. BART maintains that it would charge its maximum fare of \$3.50 if BART were to provide its own paratransit services within the City. Therefore, in determining the cost-sharing formula, MTA includes a fare differential, which is the difference between the estimated paratransit fare revenues collected and the amount of revenue that would be generated if the maximum \$3.50 fares were charged, to determine the estimated net operating expenditures. Ms. Williams states that taxi fares are not included in this fare differential because taxi fares are (1) not fixed fares and (2) vary by the length of the trip. Ms. Williams estimates that MTA would receive an additional \$78,000 in annual revenue if MTA charged BART's maximum rate under the proposed cost-sharing agreement.

of Supervisors. Ms. Williams states that neglecting to seek Board of Supervisors approval was an oversight.

### **MTA Contracts Out the Portion of the Paratransit Program to which BART Contributes**

On June 29, 2009, MTA began conducting a competitive Request For Proposals (RFP) process to choose a contractor to administer the Paratransit Program and subsequently selected and entered into an agreement with Veolia Transportation Services, a private firm. MTA's existing agreement with Veolia Transportation Services extends for five years and three-months from April 1, 2010 through June 30, 2015 for a not-to-exceed amount of \$118,599,170. Under that agreement, which was previously approved by the Board of Supervisors, MTA pays Veolia Transportation Services (a) the costs of providing paratransit services within MUNI's entire service area, including portions where BART and MUNI service areas don't overlap, and (b) the Veolia Transportation Service's administrative fees. According to Ms. Kate Toran, Paratransit Manager for MTA, MTA paid a total of \$17,050,801 to Veolia Transportation Services in FY 2010-11. However, Ms. Toran also advises that \$89,120<sup>4</sup> of the \$17,050,801 in paratransit services expended under the existing agreement with Veolia Transportation Services are not considered by MTA or BART to be part of the total operating expenditures for paratransit services which BART shares the cost of providing. Therefore, the Paratransit Program's total operating expenditures for the Paratransit Program which are part of MTA's cost-sharing agreement with BART were \$16,961,681 in FY 2010-11 (\$17,050,801 minus \$89,120). According to Ms. Toran, MTA's \$16,961,681 total operating expenditures only accounts for Veolia Transportation Services' operating costs and does not include MTA's administrative costs, which were \$677,938. In addition, as described above, specified costs are deducted from the \$16,961,681 total operating expenditures to determine net operating expenditures before BART's 8.8 percent payments are calculated.

As shown in Table 1 below, in FY 2010-2011, after accounting for the specified costs and paratransit revenue reductions as described above, MTA's net operating expenditures were \$11,558,586, which were subject to the 8.8 percent calculation to determine BART payments of \$1,017,156 to MTA. As shown in Table 1 below, BART has paid a total of \$7,270,947 to MTA from FY 2005-2006 through FY 2010-2011 under the existing cost-sharing agreement, or an average of \$1,211,825 per year.

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<sup>4</sup> Under MTA's existing agreement with Veolia Transportation Services, \$57,715 was expended to provide Shopping Shuttle services, a new service which provides trips for eligible seniors and people with disabilities to/from grocery shopping locations and \$31,405 was expended to provide weekend services to Laguna Honda Hospital from the Forest Hill BART station until Laguna Honda Hospital is able to expand their shuttle operation to cover weekend service, equal to a total of \$89,120 (\$57,715 plus \$31,405). Therefore, the total operating expenditures for FY 2010-11 subject to cost-sharing as part of MTA's agreement with BART is \$16,961,681 (\$17,050,801 minus \$57,715 minus \$31,405)

<b>Table 1: Paratransit Costs Under the Existing Cost-sharing Agreement between MTA and BART from FY 2005-6 through FY 2010-2011</b>			
<b>Fiscal Year</b>	<b>Total Trips</b>	<b>MTA Net Operating Expenditures</b>	<b>BART Share Payable to MTA at 8.8 Percent of MTA's Net Operating Expenditures</b>
2005-2006	1,218,312	\$ 14,294,057	\$ 1,257,877
2006-2007	1,158,482	13,680,471	1,203,881
2007-2008	1,167,955	14,042,749	1,235,762
2008-2009	1,139,999	15,238,923	1,341,025
2009-2010	1,038,866	13,809,617	1,215,246
2010-2011	904,598	11,558,586	1,017,156
<b>Total</b>	<b>6,628,212</b>	<b>\$82,624,403</b>	<b>\$7,270,947</b>

The Budget and Legislative Analyst notes that the total number of paratransit trips has decreased by 313,714 trips from FY 2005-06 through FY 2010-11. According to Ms. Toran, this reduced number of paratransit trips is due to a combination of factors, including (a) the poor economy which has resulted in eligible individuals decreasing the number of trips they take, (b) the decreased availability of adult day care programs<sup>5</sup> due to budget cuts resulting in decreased paratransit trips to and from those programs, and (c) the replacement of the taxi scrip program with a new debit card system now used to record paratransit service provided by MTA via taxi, which has eliminated the opportunity for fraud in the system. Ms. Toran advises that the number of paratransit trips going forward is uncertain.

## DETAILS OF PROPOSED LEGISLATION

The proposed resolution would approve a new cost-sharing agreement between the San Francisco Municipal Transportation Agency (MTA) and the Bay Area Rapid Transit (BART), in which (1) the MTA would continue to provide paratransit services in the BART service areas within the City, (2) BART would continue to pay 8.8 percent of the MTA's net operating expenditures for such paratransit services, and (3) BART would, for the first time, begin paying MTA five percent of that 8.8 percent for MTA's administrative costs with a retroactive one-year term from July 1, 2010 through June 30, 2011, and nine one-year automatic renewal options, that could extend the proposed agreement through June 30, 2020 for a maximum term of ten years.

As previously discussed, the existing cost-sharing agreement between the MTA and BART expired on June 30, 2010 and, since July 1, 2010, BART has continued paying MTA according to the existing cost-sharing agreement's terms, with BART paying 8.8 percent of MTA's net operating expenditures for the Paratransit Program, excluding MTA's administrative costs. Therefore, the subject resolution needs to be amended for retroactivity to July 1, 2010.

It should be noted that approximately ten months of the delay in bringing the proposed resolution to the Board of Supervisors is because a previous version of the proposed resolution was originally introduced on December 14, 2010, which did not include BART reimbursing

<sup>5</sup> Adult day care programs provide supervision, medical and psychological care, and social activities for older adults who live at home or in another family setting, but cannot be alone or prefer to be with others during the day.

MTA for any of its administrative costs. According to Ms. Toran, MTA made the decision to delay submitting the proposed resolution to the Board of Supervisors in order to resume negotiations with BART so the MTA could obtain compensation from BART for MTA's administrative expenses. Both BART and MTA have now agreed to have BART reimburse MTA 5.0 percent of the 8.8 percent share for MTA's administrative costs retroactive from July 1, 2010 through June 30, 2012, or for two years, unless a new cost-sharing study is completed. If a new cost-sharing study is completed, BART would be responsible for reimbursing MTA, according to the new rates determined by that new cost-sharing study, for the remaining 8 years of the proposed agreement.

According to Ms. Williams, this proposed reimbursement rate to be paid by BART to MTA of 5.0 percent of the 8.8 percent share for MTA's administrative costs is not based on BART's actual share of MTA's costs to provide such administrative services. Rather, Ms. Williams advises that this 5.0 percent administrative rate mirrors a separate agreement between MTA and BART in which BART maintains both MUNI Metro and BART stations and MTA reimburses BART for MTA's portion of the maintenance costs and MTA also pays BART an additional 5.0 percent to pay a portion of BART's administrative costs associated with conducting that maintenance. However, the proposed agreement only specifies that the additional 5.0 percent of the 8.8 percent share of MTA's administrative costs to be paid by BART to the MTA would be paid by BART for FY 2010-11 and FY 2011-12, unless a new cost-sharing study is completed by June 30, 2012. If a new cost-sharing study is completed, BART would be responsible for reimbursing MTA, according to the new rates determined by that new cost-sharing study, for the remaining 8 years of the proposed agreement. Ms. Williams advises that both MTA and BART agree to revisit the percentage as part of a new cost-sharing study MTA and BART intend to complete before June 30, 2012 and to adjust the percentage if, after evaluation, MTA's administrative costs are more or less than the agreed-upon 5.0 percent.

## **FISCAL IMPACT**

Under the proposed resolution, BART would continue to pay MTA at the rate of 8.8 percent of MTA's costs paid to Veolia Transportation Services, MTA's paratransit provider, for Veolia Transportation Service's operating costs of providing paratransit services where MTA and BART service areas overlap in San Francisco. Additionally, for the first time, BART would pay MTA 5.0 percent of BART's 8.8 percent share to reimburse MTA for MTA's administrative costs retroactive from July 1, 2010 through June 30, 2012 or for two years unless a new cost-sharing study is completed. If a new cost-sharing study is completed, BART would be responsible for reimbursing MTA, according to the new rates determined by that new cost-sharing study for the remaining 8 years of the proposed agreement. As shown in Table 2 below, BART would be responsible for paying MTA an additional \$50,858 for paratransit services provided in FY 2010-2011 due to the proposed agreement's requirement of having BART pay for a portion of MTA's administrative costs. If BART continues to reimburse MTA at the same 5.0 percent of 8.8 percent rate for administrative expenses after June 30, 2012, based on the results of a new cost-sharing study, as shown in Table 2 below, an estimated \$583,029 would be paid by BART to MTA over the entire ten-year term of the proposed agreement for MTA's administrative expenses.

As shown in Table 2 below, if BART continues to pay MTA at the same 5.0 percent rate of 8.8 percent for administrative expenses after June 30, 2012, BART is estimated to reimburse MTA a total of \$12,243,577 under the proposed new ten-year agreement between MTA and BART from July 1, 2010 through June 30, 2020. The Budget and Legislative Analyst notes that the estimated \$12,243,577 reimbursement over the term of the proposed agreement from FY 2010-11 through FY 2019-20 is an estimate only and may increase or decrease based on the number of trips provided in a given fiscal year and based on the outcome of the new cost-sharing study.

<b>Fiscal Year</b>	<b>Estimated Net Operating Expenditures*</b>	<b>8.8 Percent of Estimated Net Operating Expenditures BART would Reimburse MTA Under Proposed Cost-Sharing Agreement</b>	<b>5 Percent of BART's 8.8 Percent Share</b>	<b>Total BART Reimbursement Under Proposed Agreement</b>
2010-2011	\$11,558,586	\$1,017,156	\$50,858	\$1,068,014
2011-2012 Projected	11,905,343	1,047,670	52,384	1,100,054
2012-2013 Projected	12,262,504	1,079,100	53,955	1,133,055
2013-2014 Projected	12,630,379	1,111,473	55,574	1,167,047
2014-2015 Projected	13,009,290	1,144,818	57,241	1,202,059
2015-2016 Projected	13,399,569	1,179,162	58,958	1,238,120
2016-2017 Projected	13,801,556	1,214,537	60,727	1,275,264
2017-2018 Projected	14,215,603	1,250,973	62,549	1,313,522
2018-2019 Projected	14,642,071	1,288,502	64,425	1,352,927
2019-2020 Projected	15,081,333	1,327,157	66,358	1,393,515
<b>Total</b>	<b>\$132,506,234</b>	<b>\$11,660,548</b>	<b>\$583,029</b>	<b>\$12,243,577</b>

\* According to Ms. Williams, MTA estimated net operating expenditures from FY 2010-11 through FY 2019-20 are assumed to increase three percent annually based on average CPI increases expected over the ten year period.

## **POLICY CONSIDERATIONS**

### **The Proposed Cost-Sharing Agreement Relies on a 17 Year-Old Cost-Sharing Study**

According to Ms. Williams, both MTA and BART staff have reviewed the results of the original 1994 cost-sharing study and found no substantial changes in current BART or MTA transit routes and services that would invalidate the results of the 1994 study and require a new cost-sharing study at this time to re-evaluate the costs of MTA's paratransit services that are



attributable to BART. As such, BART would continue to pay 8.8 percent of MTA's costs for providing paratransit services within the agencies' overlapping service areas.

However, the recommendations from the 1994 cost-sharing study stated that "once significant changes to the taxi scrip program are implemented, it would make sense to reconsider the calculation of BART's cost-share." As previously discussed, the City's Paratransit Program includes taxi services and until recently, utilized a taxi scrip program, which is a paper scrip system where the paratransit trip information was recorded manually on a trip report by the customer and driver. According to Ms. Williams, paratransit trip information may not have been accurately reported on the paper scrip system. However, Ms. Williams advises that the taxi scrip program has recently been replaced by a debit card system, which will provide MTA and BART with accurate data on trip origins and destinations for taxi services.

As a result of the new debit card system now being utilized by the MTA's Paratransit Program as well as the need to re-evaluate the reimbursement rate for MTA's administrative costs, Ms. Williams anticipates that MTA will be requesting a new cost-sharing study within the next year, based on the improved and more accurate data to be derived from the debit card system for taxi trips under the Paratransit Program. The subject proposed new agreement provides that BART or MTA may undertake such a cost-sharing study, to reassess the percentage of MTA's paratransit program that BART is responsible for paying, including MTA's administrative expenses. However, under the proposed agreement, such a new cost-sharing study is not required. Ms. Williams advises that the estimated cost of a new cost-sharing study is \$30,000, which would be equally paid by MTA and BART, under the terms of the proposed cost-sharing agreement.

Under the proposed agreement, MTA and BART, without first obtaining Board of Supervisors approval, can, in the future, amend the proposed cost-sharing agreement, if the results of a new cost-sharing study determine that the percentage to be paid by BART to MTA should be changed, either up or down.

Given that the proposed agreement only provides that BART reimburse MTA for administrative expenses through June 30, 2012, unless new cost-sharing study is completed, in the professional judgment of the Budget and Legislative Analyst the proposed agreement should be amended to require that a new study be completed prior to June 30, 2012. The Budget and Legislative Analyst further recommends that the proposed agreement be amended to require that any future changes to the proposed cost-sharing agreement that have fiscal impacts to the City be subject to Board of Supervisors approval.

## RECOMMENDATIONS

1. Amend the proposed resolution to provide for retroactivity to July 1, 2010.
2. Continue the proposed amended resolution as amended and request the MTA to:
  - (a) Amend the proposed cost-sharing agreement to require that a new cost-sharing study be completed to determine how much of the costs of the MTA's Paratransit Program, including MTA's administrative expenses, should be reimbursed by BART to the MTA. Such a new study should be completed by June 30, 2012.

(b) Amend the proposed cost-sharing agreement between MTA and BART to reflect that any future changes to the cost-sharing agreement, which have fiscal impacts to the City, be subject to Board of Supervisors approval. Under the proposed agreement, MTA and BART, without first obtaining Board of Supervisors approval, can in the future amend the proposed cost-sharing agreement, if the results of a new cost-sharing study determine that the percentage to be paid by BART to MTA should be changed, either up or down.