

[Cost-Sharing Agreement - BART - Paratransit Services]

**Resolution retroactively approving a Cost-Sharing Agreement for Paratransit Services between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District for a period of up to ten years.**

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

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

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, BART commissioned a study of taxi, lift-van, group van and Commission on the Aging paratransit services to determine how much of the paratransit costs in San Francisco would be attributable to BART, the results of which indicated that approximately 8.8 percent of the overall costs for ADA paratransit should be borne by BART; and

1           WHEREAS, The SFMTA and BART are entering into this cost-sharing arrangement  
2 under which BART will reimburse the SFMTA for providing BART's mandated ADA paratransit  
3 services within San Francisco for up to a 10-year period, which reimbursement will exceed  
4 \$1,000,000 over the term of the Agreement; a copy of the Agreement is on file with the Clerk  
5 of the Board of Supervisors in File No. 101539, which is hereby declared to be a part of this  
6 motion as if set forth fully herein; and

7           WHEREAS, On November 16, 2010, the SFMTA Board of Directors adopted  
8 Resolution No. 10-144, which authorized the Executive Director/CEO of the SFMTA to  
9 execute a Cost-Sharing Agreement for Paratransit Services with BART; and

10           WHEREAS, The SFMTA and BART shall complete a study of paratransit services and  
11 costs, as described in Section IV.A of the Cost-Sharing Agreement, by June 30, 2012; and

12           WHEREAS, The BART Board of Directors approved the Cost-Sharing Agreement on  
13 December 2, 2010; now, therefore, be it

14           RESOLVED, That the Board of Supervisors, retroactive to July 1, 2010, approves the  
15 Cost-Sharing Agreement for Paratransit Services between the City and BART, requiring  
16 BART to reimburse the SFMTA for providing BART's share of ADA paratransit services within  
17 San Francisco for a period of up to ten years