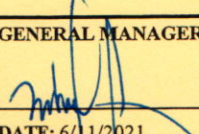
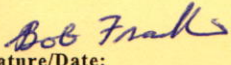

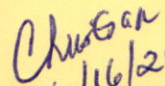





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 6/11/2021		GENERAL MANAGER ACTION REQ'D: yes		
DATE: 6/11/2021		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Robert Franklin Dept: Customer Dev & Station Access   Signature/Date: 6/16/21	General Counsel  6/16/2021 [ ]	Controller/Treasurer  6/16/21 [ ]	District Secretary [ ]	BARC  6/16/2021 [ ]
Status: Routed		Date Created: 6/11/2021		

### Authority to Enter into an Agreement with the Livermore Amador Valley Transit Authority for ADA Paratransit Services

#### PURPOSE:

To obtain Board authorization for the General Manager to execute a cost-sharing agreement for the provision of paratransit services, for a period of up to ten years, with the Livermore Amador Valley Transit Authority ("LAVTA").

#### DISCUSSION:

Under the American with Disabilities Act ("ADA"), public transit agencies are required to provide complementary paratransit service to eligible individuals who are unable to ride fixed route public transit. The federal regulations that implement the ADA specify that paratransit must be provided during the same hours of service within an agency's ADA service area, which is generally within  $\frac{3}{4}$  of a mile of a rail station or bus route.

Since BART operates next to various public bus agencies, the ADA service areas of BART and these agencies often overlap. For efficiency and other reasons, BART will enter into agreements with these bus agencies to provide for a shared paratransit service within the agencies' overlapping ADA paratransit service areas. This ensures that efforts are not duplicated and is generally considered preferable to having each agency provide its own paratransit service, which could confuse riders with potentially different policies and competing fares. Because BART's ADA paratransit service area outside of Alameda County is more limited than that of the bus agencies in those areas, the agreements in those areas provide for the bus agencies to take the lead on the procurement and operations of the



paratransit service with BART reimbursing the agency for BART's share of the cost of the service.

Under such agreements, the bus agency will provide paratransit service and in return BART will reimburse the agency at cost for BART's share based on fixed and hourly rates determined by the operators' contracted agreements. BART also usually pays a relatively nominal administrative fee to the bus agency for management of the service. In addition, these agreements provide for "elevator mitigation" trips, an on-demand service offered to BART passengers to transport a passenger to or from an adjacent station, if an out of service elevator prevents access into or out of a station. BART will reimburse the agency for all the direct costs for providing such service.

BART's ADA service area overlaps, in part, with that of LAVTA. Staff seeks authority from the Board for the General Manager to enter into a cost-sharing agreement with LAVTA for paratransit services for a period of up to ten years. This agreement will have terms similar to the terms in BART's previous agreements as described herein. The Office of the General Counsel will approve the agreement as to form prior to execution.

#### FISCAL IMPACT:

Funding for this agreement will be subject to annual Board approval in each proposed fiscal year's operating budget for the Customer Access and Accessibility Department - department number 1102492, account number 686-630 ("ADA Bus Service"). BART's cost share of this agreement will vary according to actual service provided. The FY22 estimate for service with LAVTA is \$36,000. The BART Board approved the FY22 Budget on June 10, 2021, and the ADA Bus Service account included sufficient funding.

This action is not anticipated to have any fiscal impact on unprogrammed District reserves during the length of the agreement.

#### ALTERNATIVES:

Do not authorize the General Manager to enter into a paratransit cost-sharing agreement LAVTA. If BART does not enter into such an agreement, BART would still be responsible for providing paratransit service and BART would need to contract for and provide alternate paratransit service. Alternatively, the Board could direct staff to seek to enter into an agreement with LAVTA with different terms. However, it is unlikely LAVTA would agree to different terms.

RECOMMENDATION: Staff recommends that the Board adopt the following motion:

MOTION: The General Manager is authorized to execute a cost-sharing agreement for the provision of ADA paratransit services for a period of up to ten years with the Livermore Amador Valley Transit Authority.