

THIS PRINT COVERS CALENDAR ITEM NO.: 10.3

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Taxis, Access & Mobility Services

BRIEF DESCRIPTION:

Authorizing the SFMTA to receive funding from the Access For All Program, a program established by the California Public Utilities Commission (CPUC or Commission), and serve as the Local Access Fund Administrator (LAFA) in San Francisco County to expend and distribute the funds to eligible recipients that provide wheelchair-accessible on-demand transportation programs or partnerships; and authorizing the Director of Transportation to execute all required documents for the SFMTA to serve as LAFA and any amendments thereto with the Commission.

SUMMARY:

- Senate Bill (SB) 1376 (Hill), the Transportation Network Company (TNC) Access for All Act, was signed into law on September 22, 2018. The legislation directed the CPUC to establish the Access for All Program to improve wheelchair accessible (WAV) service.
- Per program requirements, TNCs must collect an “Access Fee” in the amount of \$0.10 for each TNC trip and remit the total fees collected to the Commission on a per county and quarterly basis. TNCs may retain Access Fee revenue equivalent to the amount they invest in WAV service in a particular county in a particular quarter if their WAV service meets performance requirements. The Commission sets aside the remaining moneys not claimed by TNCs to be distributed by a fund administrator to eligible Access Providers.
- SFMTA applied to become the Local Access Fund Administrator (LAFA) for San Francisco County on April 3, 2023. On May 16, 2023, the CPUC issued a Proposed Resolution approving the SFMTA as a LAFA for Funding Year 2023-2024, and awarding the SFMTA \$4,045,161 in local Access Funds to administer to providers of on-demand WAV service, including \$606,774 for the SFMTA’s administrative costs.
- To serve as a LAFA and receive funding by September 30, 2023, the SFMTA must submit the attached Board Resolution and Consent Form to the CPUC by July 14, 2023. Upon approval, the SFMTA staff will work with stakeholders to develop a competitive grant process and obligate funds to eligible service providers.

ENCLOSURES:

1. SFMTAB Resolution
2. Local Access Fund Administrator Consent Form

APPROVALS:


DATE

DIRECTOR



June 14, 2023

SECRETARY



June 14, 2023

ASSIGNED SFMTAB CALENDAR DATE: June 20, 2023

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PURPOSE

Authorizing the SFMTA to receive state funding from the Access For All Program, a program established by the California Public Utilities Commission (CPUC or Commission) and serve as the Local Access Fund Administrator (LAFA) in San Francisco County to expend and distribute the funds on a competitive basis to accessible transportation providers that provide on-demand transportation programs or partnerships to meet the needs of persons with disabilities, including wheelchair users who need a wheelchair accessible vehicle (WAV); and authorizing the Director of Transportation to execute all required documents for the SFMTA to serve as LAFA and any amendments thereto with the Commission.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The item will support the following goals of the SFMTA Strategic Plan:

- Goal 1. Identify and reduce disproportionate outcomes and resolve past harm towards marginalized communities.
- Goal 5. Deliver reliable and equitable transportation services.
- Goal 7. Build stronger relationships with stakeholders.
- Goal 8. Deliver quality projects on-time and on-budget.
- Goal 10. Position the agency for financial success.

This item will support the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

DESCRIPTION

On September 22, 2018, Governor Brown signed Senate Bill (SB) 1376 (Hill), the Transportation Network Company (TNC) Access for All Act, into law. This legislation directed the California Public Utilities Commission (CPUC or Commission) to establish a program relating to accessibility for persons with disabilities, including wheelchair users who need a wheelchair-accessible vehicle (WAV). On February 21, 2019, the Commission opened a formal rulemaking to implement SB 1376 and develop the TNC Access for All Program to incentivize the expansion and improvement of on-demand WAV transportation service in California.

Over the course of the past three years, the SFTMA has been an active participant in the

rulemaking and has filed over 30 sets of comments in coordination with the San Francisco Mayor's Office on Disability (MOD) and the San Francisco County Transportation Authority (SFCTA). All three agencies have also worked closely with many other parties to the proceeding, including disability advocacy organizations, to collaboratively propose and develop program requirements that will effectively serve the needs of WAV riders throughout the state. Separate from the official rulemaking, the SFMTA and the SFCTA also partnered with pro-bono partner ZS Associates, through San Francisco's Civic Bridge program, to proactively build [public online dashboards](#) with the data collected through the TNC Access For All Program. The dashboards track TNC Access for All Act performance data by county and quarter to help improve the transparency of the program and the state of wheelchair accessible TNC service throughout California.

Access for All Program Requirements

The Commission has developed the Access for All Program Overview & Requirements for Access Fund Administrators, for the purpose of selecting Local AFAs, and administering and distributing Access Funds to eligible local Access Providers of on-demand WAV transportation.

Per the program requirements established by the Commission's rulemaking, TNCs must collect an "Access Fee" in the amount of \$0.10 for each TNC trip and remit the total fees collected to the Commission on a per geographic area and quarterly basis beginning the third quarter of 2019. The fees collected from TNCs are then deposited in the Commission's TNC Access for All Fund (Access Fund) for distribution to Access Providers that establish on-demand transportation programs or partnerships to meet the needs of persons with disabilities, including wheelchair users who need a WAV, in each geographic area. Access Providers are entities that can provide on-demand WAV service but require additional financial resources to do so.

There are two mechanisms to meet the overall goal of the Access for All Program: (1) through TNCs' own investments and (2) through local Access Providers. In the first mechanism, TNCs invest in expanding or improving on-demand WAV service in each county. In return, they can file "offset" requests on a quarterly basis with the Commission which, if approved, allows the TNCs to retain Access Fee revenue equivalent to the amount they invest in WAV service in a particular county in a particular quarter, so long as the WAV service meets performance requirements set by the Commission.

In the second mechanism, the Commission sets aside the remaining moneys not claimed by TNCs in the offset process, to be distributed to local Access Providers through Local Access Fund Administrators (LAFAs). The LAFAs stand in the shoes of the Commission to administer the Access for All program in the geographic area(s) within its jurisdiction. Specifically, LAFAs are tasked with developing local WAV programs and distributing Access Fund moneys to Access Providers in accordance with criteria adopted by the Commission. If there is no Lafa for a particular county, the Commission is also authorized to hire an independent entity as the Statewide Access Fund Administrator (SAFA) to administer the program locally within the remaining geographic areas.

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To serve as a LAFA, the entity agrees to perform the following responsibilities:

1. Establish a submission process for the Access Provider application.
2. Select Access Providers to receive Access Fund moneys based on criteria adopted by the Commission.
3. Distribute Access Fund moneys to selected Access Providers.
4. Submit a consolidated Quarterly Report to the Commission based on the Quarterly Reports submitted by Access Providers.
5. Submit on a quarterly basis the amount of Access Funds requested by and distributed to Access Providers in a quarter and a brief description of the progress made by selected Access Providers and any compliance or other challenges encountered.
6. Submit an annual certification that Access Fund moneys will be expended and distributed in accordance with the requirements established by the CPUC.

The Commission previously limited the eligibility of potential LAFAs to the following entities: Metropolitan Planning Organizations (MPOs), Regional Transportation Planning Agencies (RTPAs), and County Transportation Commissions (CTCs). In Funding Year 2022-2023, none of these potential entities applied to serve as a LAFA in San Francisco. In 2023, based upon a proposal made by the SFMTA, SFCTA, MOD, and Disability Advocates, the Commission expanded LAFA eligibility to public transit agencies in the event neither an MPO, RTPA, or a local CTC applies to serve as LAFA. Per this change, the SFMTA submitted an application in April of 2023 to serve as the LAFA for our jurisdiction. In May of 2023, Commission staff confirmed the SFMTA's eligibility and recommended the funding award for Funding Year 2023-2024 of \$4,045,161 for San Francisco. This amount includes 15% authorized by the Commission to cover LAFAs' administrative costs, or \$606,774.

The SFMTA is conditionally approved as a LAFA; the disbursement of our Access Fund award is contingent on the submission of the Commission's required Board Resolution signed by the Board Chair and Consent Form by July 14, 2023, and the adoption of the Proposed Resolution by the full California Public Utilities Commission. Participation in future funding years is contingent upon the SFMTA submitting an annual consent form agreeing to the program requirements. The amount of the funding award available in future funding years is dependent upon the remaining moneys not claimed by TNCs in the offset process the year prior.

STAKEHOLDER ENGAGEMENT

The Executive Committee of the Paratransit Coordinating Council, an advisory committee comprised of potential beneficiaries of the program, including paratransit consumers, community representatives, and service providers who provide feedback regarding the SF Paratransit program, were informed and are supportive of the SFMTA administering the Access Fund in San Francisco. As the taxi industry is the largest pool of potential Access Providers in San Francisco, SFMTA also began engagement with the industry at the Quarterly Taxi Outreach Meeting on May 31, 2023. Once authorized by the Board to administer the program, SFMTA staff will convene a working group of stakeholders, including potential riders and potential access providers, to develop a program that meets the criteria adopted by the Commission and best fits the needs of passengers requiring on-demand WAV transportation service in San Francisco.

ALTERNATIVES CONSIDERED

The Board could elect not to approve the recommended action. Staff does not recommend this alternative because, without Board approval for the SFMTA to serve as a LAFA, the funds would remain with the California Public Utilities Commission until Commission staff identify a “Statewide Access Fund Administrator” (SAFA). The SAFA will be a state-wide entity charged with administering programs in areas where there are no LAFAs. As the SAFA has not yet been identified, a decision to not administer the Access Fund would further prolong the distribution of over \$4,000,000 to access providers in San Francisco and the eventual SAFA may not be as knowledgeable about local transportation needs and access providers, resulting in a less effective program.

FUNDING IMPACT

The Access for All Program funds will fully fund the recommended action. No other SFMTA funds will be required to manage, administer, and oversee the program. The Access for All funds are not eligible for SFMTA’s bus and rail operating and capital expenditures.

	Program Funds	Administrative Funds	Total
Revenue: Access Fund	\$3,438,387	\$606,774	\$4,045,161
Local Access Providers	\$3,438,387		\$3,438,387
5289 Transportation Planner III		\$193,519	\$193,519
1822 Administrative Analyst		\$163,082	\$163,082
Other SFMTA Administrative Costs		\$250,173	\$250,173
Expenditures Total	\$3,438,387	\$606,774	\$4,045,161

The funding award for San Francisco in Funding Year 2023-2024 is \$4,045,161. The Commission approved allowing LAFAs to use up to 15 percent of the amount it allocates to each county each year to cover administrative expenses; the SFMTA can use up to \$606,774 of the funding for administrative costs, which includes staff time. This would allow the SFMTA to offset the costs of two existing positions; such as a 5289 Transportation Planner III to manage this project, including drafting and issuing the solicitation for competitive bids, as well as an Administrative Analyst position to collect data and complete the required quarterly reports to the CPUC. The annual salary and fringe benefit cost for a FTE Transportation Planner III position is \$193,519 while the 1822 Administrative Analyst position cost is \$163,082, for total estimated annual SFMTA direct staff costs of \$356,601. Overhead costs from other existing support staff would make up the difference for the total \$606,774.

The remaining \$3.4M of the Access Fund award would be available to local Access Providers on a competitive basis. These providers will be selected based on criteria adopted by the

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Commission and prioritized by the local needs of on-demand WAV passengers identified by our stakeholder working group. In FY22, SFMTA spent \$136,020 from the Paratransit budget to fund incentives aimed at increasing the availability of same-day on-demand WAV service. Depending on the Access Providers that apply and are selected to participate in the SFMTA's Access for All Program, these existing incentive expenditures could potentially be replaced or supplemented through the Access Fund, offsetting some paratransit operating costs.

ENVIRONMENTAL REVIEW

On May 26, 2023, the SFMTA, under authority delegated by the Planning Department, determined that Local Access Fund Administrator Resolution is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The SFMTA has been conditionally approved as a LAFA by the California Public Utilities Commission; final approval is anticipated at the June 23, 2023 CPUC voting meeting. The disbursement of our Access Fund award is contingent on the submission of the required Board Resolution and Consent Form to the CPUC by July 14, 2023. No other approvals are required.

The City Attorney has reviewed this calendar item.

RECOMMENDATION

Authorize the SFMTA to receive state funding from the Access For All Program, a program established by the California Public Utilities Commission (CPUC or Commission) and serve as the Local Access Fund Administrator (LAFA) in San Francisco County to expend and distribute the funds on a competitive basis to accessible transportation providers that provide on-demand transportation programs or partnerships to meet the needs of persons with disabilities, including wheelchair users who need a wheelchair accessible vehicle (WAV); and authorize the Director of Transportation to execute all required documents for the SFMTA to serve as LAFA and any amendments thereto with the Commission.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, Senate Bill (SB) 1376 (Hill) or the Transportation Network Company (TNC) Access for All Act was signed into law by Governor Jerry Brown on September 22, 2018; and

WHEREAS, The legislation directed the California Public Utilities Commission (CPUC or Commission) to establish the Access for All Program to improve TNC service for riders who require wheelchair accessible vehicles (WAV); and

WHEREAS, the Commission has developed the Access for All Program Overview & Requirements for Access Fund Administrators (AFAs), for the purpose of selecting Local AFAs (LAFAs), and administering and distributing Access Funds to eligible local Access Providers of on-demand WAV transportation; and

WHEREAS, TNCs must collect an “Access Fee” in the amount of \$0.10 for each TNC trip and remit the total fees collected to the Commission on a per geographic area and quarterly basis; and

WHEREAS, The CPUC sets aside the remaining moneys not claimed by TNCs in the offset process, to be distributed to local Access Providers through LAFAs; and

WHEREAS, the San Francisco Municipal Transportation Agency is an eligible public transit agency and may receive state funding from the Access for All Program to administer a funding program for local Access Providers for on-demand WAV transportation projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional administering agency to abide by various regulations; and

WHEREAS, The Access Fund Grant available to the San Francisco Access Fund Administrator for the 2023-2034 Funding Year totals \$4,045,161 and includes \$606,774 for the agency’s administrative costs; and,

WHEREAS, the San Francisco Municipal Transportation Agency wishes to serve as LAFA for the county of San Francisco; and

WHEREAS, On May 26, 2023, the SFMTA, under authority delegated by the Planning Department, determined that the Local Access Fund Administrator Resolution is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; and

WHEREAS, The Commission requires this Resolution to be signed by the Chair of the SFMTA Board of Directors; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the SFMTA to serve as the Local Access Fund Administrator of the Access for All Program for the county of San Francisco, and be it further

RESOLVED, That the SFMTA Board of Directors agrees that the SFMTA as the Access Fund recipient agrees to comply with all conditions and requirements set forth in the Certification document and applicable statutes, regulations, and Program Requirements for the Access for All Program, and be it further

RESOLVED, That the SFMTA Board of Directors authorizes and directs the Director of Transportation to sign the Local Access Fund Administrator Consent Form for the California Public Utilities Commission to permit the SFMTA to become the Local Access Fund Administrator for the county of San Francisco and accept all local Access Funds available by September 30, 2023, and be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Chair of the Board of Directors to sign this Resolution and the Director of Transportation to execute all other required documents of the Access for All Program and any amendments thereto with the Commission, and be it further

RESOLVED, Upon approval, the SFMTA staff will work with stakeholders to develop a competitive grant process and obligate funds to eligible access providers.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 20, 2023.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Chair of the Board of Directors
San Francisco Municipal Transportation Agency

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



**ACCESS FOR ALL PROGRAM
LAFAs Consent Form**

Name of Agency: _____

The LAFAs identified above hereby acknowledges receipt of the California Public Utilities Commission Resolution T-_____ or Approval Letter dated _____ and agrees to comply with all grant terms, conditions, and requirements set forth in the Resolution or Approval Letter.

The undersigned representative of _____ (Agency Name) is duly authorized to execute this Consent Form on behalf of the LAFAs and to bind the LAFAs to the terms, conditions, and requirements set forth in California Public Utilities Commission Resolution T-_____ or Approval Letter.

Dated this __ day of _____, 20__.

Signature:

Printed Name: _____

Title: _____

Name of Agency: _____

Business Address (street address, suite or apt number, city, state and zip code)

Telephone Number (include area code): _____

Email Address: _____

Submit completed consent form to tncaccess@cpuc.ca.gov.