



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		Approval and Forward to Board		
DATE: 5/23/2023		5/31/2023		
BOARD INITIATED ITEM: No				
Originator/Prepared by: Mallory Korte Dept: Real Estate & Plan Development	General Counsel	Controller/Treasurer	District Secretary	BARC
DocuSigned by: <i>Mallory Korte</i> 3AA6CFF8C3F5468...	DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8...	DocuSigned by: <i>Chris Gan</i> EE11C8CEEEA04FD...		DocuSigned by: <i>Pamela Herhold</i> 3BB24D65B8724F5...
Signature/Date: 5/30/2023	5/30/2023 []	5/30/2023 []	[]	5/30/2023 []

Resolution Approving Updates to Fee Schedule for Permits, Easements, and Plan Review

PURPOSE: To revise the Fee Schedule for Permits, Easements, and Plan Review. These changes will enable the District to cover staff and non-labor costs associated with permitting third-party projects within and/or adjacent to District right of way.

DISCUSSION: On June 22, 2006, Resolution No. 4989 was approved by the Board of Directors, granting authorization to District staff to annually revise the fee schedule for permits, easements, and plan review in accordance with the percentage of wage increases.

The current fee schedule effective as of July 1, 2020, no longer captures the actual costs for District staff time. A revised fee schedule is necessary to address changes to wages and fringe benefits, increasing costs associated with permitting third-party projects, and to reflect a more current calculation of labor hours needed to process permits.

District staff is developing a modernized permitting system – OpenGov – to be rolled out later this year that will streamline the permitting process internally and for third parties. OpenGov was selected through a competitive process, and the District will have a three-year license for its use.



Attachment 1 shows the proposed Fee Schedule for Permits, Easements, and Plan Review for FY2024, and Attachment 2 shows the current schedule. The proposed fee changes have been calculated to cover the costs of staff time and non-labor costs, such as OpenGov. The Board held a public hearing to consider these proposed changes on May 25, 2023.

For FY2025, the District intends to reflect the same estimated hours and non-labor costs for each associated activity and will adjust salary rates according to the District's relevant union contracts, and fringe benefits according to the FY2025 budget.

The attached Resolution would further authorize the Group Manager of Real Estate and Property Management to implement fee increases annually based on wage increases and fringe benefits, and non-labor costs, with notification to the Board.

FISCAL IMPACT: The fee schedule is implemented to ensure there is no cost to BART for permits, easements, and plan review. These increased fees will contribute to the general fund operating revenues. These revisions more accurately reflect actual labor costs.

ALTERNATIVES: Keep current Fee Schedule for Permits, Easements, and Plan Review effective as of July 1, 2020.

RECOMMENDATION: Adoption of the following Motion and Resolution to revise the Fee Schedule for Permits, Easements, and Plan Review.

MOTION: The Board of Directors adopts the attached Resolution authorizing District staff to update the Fee Schedule for Permits, Easements, and Plan Review.

FY2023-4 BART FEE SCHEDULE: PERMITS, EASEMENTS, PLAN REVIEW

For Consideration of Adoption June 8, 2023

Proposed Effective Date is 7/1/2023

	APPLICANT	APPLICATION PROCESSING FEE (See Note 1)	AS-BUILT DEPOSIT (See Note 4)	PLAN REVIEW FEE (See Note 1)	INSPECTION FEE (See Note 1)	CEQA REVIEW FEE (See Note 1)
PERMITS	UTILITY AND PERMITS TO ENTER					
	Public Agency or Non-Profit Entity	None (See Note 2)	\$2,500 - \$5,000	\$160.00/hr – 2 hour min.	\$160.00/hr – 2 hour min. 4 hour min. after BART business hours (if needed)	\$160.00/hr (See Note 3)
	Private Entity	\$2,078 for initial and \$424 per permit extension or amendment \$350 fee for 1-day event permits + BART operating costs (See Note 6)				
EASEMENTS	PROPERTY INTEREST REQUESTED (BOARD APPROVAL REQUIRED)					
	Public Agency or Non-Profit Entity	None (See Notes 2 and 5)	None	\$160.00/hr – 2 hour min.	None	\$160.00/hr (See Note 3)
	Private Entity	\$1,977 plus value of property interest (See Note 5)				
PLAN REVIEW ONLY	PROJECTS ADJACENT TO BART RIGHT OF WAY					
	Public Agency or Non-Profit Entity	None (See Note 2)	None	\$160.00/hr – 2 hour min.	\$160.00/hr – 2 hour min.	\$160.00/hr (See Note 3)
	Private Entity	None		\$160.00/hr – 2 hour min.		

Note 1 This fee schedule will be amended at the beginning of each fiscal year pursuant to Board Resolution No. xxxx, adopted by the Board on June 8, 2023. Reimbursement of staff time is based on the fees in effect when staff time is charged.

Note 2 Pursuant to Government Code Section 6103, public agencies are exempt from administrative application fees. Reimbursement of staff time for plan review and inspections is not exempt (Government Code Section 6103.7).

Note 3 BART is subject to the California Environmental Quality Act (CEQA) in granting entitlements for use. In addition to the hourly fee for environmental review and for preparation of any required documentation by BART, applicants will be responsible for reimbursing BART for any applicable filing fees.

Note 4 The as-built deposit is \$2,500.00 for projects less than \$250,000.00 and is \$5,000.00 for projects of \$250,000.00 or more. Deposit to be reimbursed upon submittal of accepted as-built to BART, submitted within 180 days of permit expiration.

Note 5 Entities seeking a property interest are required to present a fair market value offer with appropriate documentation, which will be reviewed by BART Staff. If documentation is not provided or deemed insufficient, entity must reimburse BART for cost of appraisal. BART's Transit-Oriented Development projects are subject to separate negotiation.

Note 6 Station retail, expressive activity, and photo/video permits are handled separately of this schedule. Events impacting BART operations may be charged additional fees to offset additional BART costs (e.g. reserving parking).

BART FEE SCHEDULE

Effective 7/1/2020

	APPLICANT	APPLICATION PROCESSING FEE (See Note 1)	AS-BUILT DEPOSIT (See note 4)	PLAN REVIEW FEE (See Note 1)	INSPECTION FEE (See Note 1)	CEQA REVIEW FEE (See Note 1)
PERMITS	UTILITY AND PERMITS TO ENTER					
	Public Agency or Non-Profit Entity	None (See Note 2)	\$1,000.00 or \$2,000.00	\$150.00/hr – 2 hour min.	\$150.00/hr – 2 hour min Normal hours, or \$208.00/hr – 3 hour min. after normal hours (if needed)	\$150.00/hr (See Note 3)
	Private Entity	\$976.00 for initial and \$261.00 per permit extension or amendment				
EASEMENTS	PROPERTY INTEREST REQUESTED (BOARD APPROVAL REQUIRED)					
	Public Agency or Non-Profit Entity	None (See Note 2) only the value of property interest	None	\$150.00/hr – 2 hour min.	None	\$150.00/hr (See Note 3)
	Private Entity	\$1,208 plus value of property interest				
PLAN REVIEW	PROJECTS ADJACENT TO BART RIGHT OF WAY					
	Public Agency or Non-Profit Entity	None (See Note 2)	None	If less than 4 hours, there is no charge. If more than 4 hours, \$150.00/hr (including first 4 hours)	\$150.00/hr – 2 hour min.	\$150.00/hr (See Note 3)
	Private Entity	None		\$150.00/hr – 2 hour min.		

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Note 2 Pursuant to Government Code Section 6103, public agencies are exempt from administrative application fees. Reimbursement of staff time for plan review and inspections is not exempt (Government Code Section 6103.7).

Note 3 BART is subject to the California Environmental Quality Act (CEQA) in granting entitlements for use. In addition to the hourly fee for environmental review and for preparation of any required documentation by BART, applicants will be responsible for reimbursing BART for any applicable filing fees. Filing fees currently range from \$25.00 to \$1,275.00 and are subject to change.

Note 4 The as-built deposit is \$1,000.00 for projects less than \$100,000.00 and is \$2,000.00 for projects of \$100,000.00 or more.