

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the matter of authorizing District staff to update the
Fee Schedule for Permits, Easements, and Plan Review

Resolution No. **xxxx**

WHEREAS the District incurs costs for the use of District staff time in issuing permits, reviewing plans, and granting real property interests for third-party projects within and/or adjacent to District right of way;

WHEREAS, pursuant to Board Resolution No. 4989, adopted on June 22, 2006, the Board of Directors authorized increasing the fees based on the percentage of wage increase, if any, in collective bargaining agreements for each fiscal year;

WHEREAS, the fee program is currently under the supervision of the Real Estate and Property Development Department, and the fees effective as of July 1, 2020, no longer capture the actual costs to the District for staff time and non-labor costs, and more hours are used in early application processing than are reflected in the current application fee; and

WHEREAS, the best interests of the District will be served by increasing the current fees it collects for the recovery of such costs, and by increasing the fees annually thereafter based on wage increases and fringe benefits, and non-labor costs;

Now, therefore, be it resolved, that the following policy is adopted:

Effective July 1, 2023, the fee schedule established in 2020 by the San Francisco Bay Area Rapid Transit District for permits, easements, and plan review of all third-party projects is replaced with the fee schedule included as Attachment 1. Thereafter, the fee schedule will be amended on an annual basis based on wage increases in collective bargaining agreements and fringe benefits, and non-labor costs that are solely incurred for processing of third-party permits. The Board shall be notified of each such increase.

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).