



Date: October 9, 2007  
 Committee Meeting Date: October 18, 2007  
 Board Meeting Date: November 1, 2007  
 ACTION  X  DISCUSSION   INFO

**BOARD MEMORANDUM**

**TO:** Administration and Finance Committee  
 Santa Clara Valley Transportation Authority  
 Board of Directors

**THROUGH:** Michael T. Burns  
 General Manager

**FROM:** Jack J. Collins  
 Chief Engineering & Construction Officer

**SUBJECT:** VTA Permit Fee Schedule Changes

**Policy-Related Action: Yes      Government Code Section 84308 Applies: No**

**RECOMMENDATION:**

Adopt proposed Permit Fee Schedules as identified in Attachment A and Attachment B, increasing the fees to be collected for Restricted Access Permits and Construction Access Permits.

**BACKGROUND:**

From time to time, utility and other companies desire to undertake construction or other activities on or near VTA property and facilities. Similar to other local municipalities, VTA requires that access permits be obtained so that it can control and monitor the activities and make sure that the work is done safely. Construction Access Permits are required for construction activities. When construction or other activities take place on or near light rail lines Restricted Access Permits are also required.

Government Code Section 66014 provides that if fees are charged by a local agency in connection with permit issuance the fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged. The VTA Board of Directors adopted the current VTA Permit Policy on October 7, 2004, which includes the 2006 revised current fee schedules used by VTA for issuance of Construction Access Permits and Restricted Access Permits.

Historically, VTA collected fees for the issuance of Construction Access Permits, but not Restricted Access Permits. The current Permit Policy adopted on October 7, 2004 established that fees would also be collected for Restricted Access Permits as a further step in implementing the Ad Hoc Financial Stability Committee recommendations that VTA become more cost efficient, providing for cost recovery associated with Restricted Access Permits, including costs for bus bridges, rail power downs, rail power ups, and roadway worker protection training.

**DISCUSSION:**

The recommended action updates the Permit Fee Schedules that are incorporated in the VTA Permit Policy as attachments and the proposed amendments to the fee schedules are attached to this memorandum as Attachment A and Attachment B. The current VTA Permit Policy is also attached for reference, but no changes are proposed to the policy.

The proposed permit fee rates are based upon the fully allocated costs for issuing permits, performing inspection services and other permit related services. Costs to be charged for various labor services will be calculated on a fully allocated cost basis. Non-labor costs will be directly charged as appropriate. VTA staff has also determined the minimum cost of reviewing, processing and monitoring permits. The minimum application and inspection fees for access permits have been increased from those approved in 2004, and revised in 2006, as a result of increases in labor rates and refined estimates of the minimum work required to issue Restricted Access Permits and Construction Access Permits. The appropriate fee to be collected will be determined when the permit is issued based on the type, anticipated scope and duration of the project.

**ALTERNATIVES:**

The Board could adopt a different fee structure or choose not to recover fees but VTA cannot charge more than the estimated reasonable cost of the services provided.

**FISCAL IMPACT:**

Revenue received from the proposed permit fee schedules will be used to recoup the fully allocated costs incurred by VTA, which include labor and non-labor costs that would otherwise be paid for from general revenues.

Attachments:           VTA Permit Policy  
                              Proposed Attachment A and Attachment B Fee Schedules

**1.0 Purpose:**

To safeguard and protect VTA property, improvements and facilities by establishing conditions for construction and other activities on or near such property, improvements and facilities, and for VTA to recover the associated costs.

**2.0 Responsibilities:**

2.1 The General Manager shall establish rules and regulations for implementing this policy.

2.2 Permit holders shall comply with the special and general conditions of their permits.

2.2 VTA inspectors shall monitor permit activities by inspecting the work site as appropriate to ensure permit compliance and that all activities are performed safely and in accordance with all applicable standards and procedures.

**3.0 Policy:**

**CONSTRUCTION ACCESS PERMIT:** No person other than VTA or its contractors shall undertake construction on VTA property, facilities or improvements, or that has the potential of affecting VTA property, facilities or improvements without first obtaining a **Construction Access Permit** from VTA.

**RESTRICTED ACCESS PERMIT:** No person shall undertake any work or activities within 10 feet of the Light Rail Tracks or System, over or under any light rail catenary system, or which otherwise has the potential of affecting the Light Rail Tracks or System, without first obtaining a **Restricted Access Permit** from VTA.

**3.1 Permit Conditions**

The following are permit conditions.

**3.1.1 Permit Contents**

Each permit shall, at a minimum, describe the work proposed, the location of the work, the schedule or duration of the proposed work and the persons undertaking the work.

**3.1.2 Fees**

The permit applicant, other than a VTA contractor, shall agree to reimburse VTA for all costs incurred by VTA in connection with permit application review, processing and monitoring as well as any costs incurred by VTA to accommodate the work undertaken by the permit holder.

VTA has determined the minimum cost of reviewing and processing Construction and Restricted Access permit applications and monitoring permit activities. VTA shall determine and collect the appropriate fee at the time of permit issuance based on the type, anticipated scope, and duration of the project. If VTA incurs costs beyond those collected at the time of permit issuance it shall bill the permit holder and the costs shall be paid promptly as a condition for permit activities to continue or for any installations or improvements to remain. The permit holder shall bear the cost of any required removal. Fees are established and shall be collected as set forth on the Fee Schedules attached hereto and incorporated herein as Attachments A and B.

#### 3.1.2.1 Reciprocity Agreements

The General Manager may enter into agreements with other public entities for a mutual waiver of like-kind permit fees when the General Manager determines that such a waiver is in the best interests of VTA.

#### 3.1.2.2 Cooperative Agreements

The fees hereunder shall not apply to any work or project accomplished pursuant to a VTA cooperative or other agreement in which consideration for permit fees is provided.

#### 3.1.3 Insurance

VTA shall determine the type and amount of insurance necessary to protect VTA and Permit holders shall maintain such insurance. VTA shall be named as an additional insured and proof of insurance shall be obtained prior to issuance of the permit.

#### 3.1.4 Indemnification

The permit shall contain an indemnification provision whereby the permit holder agrees to indemnify, defend and hold VTA harmless in connection with permit activities.

#### 3.1.5 Roadway Worker Protection Training (Restricted Access Permits Only)

No person shall work in or near a restricted access area without first attending VTA Roadway Worker Protection Training. Workers in restricted access areas shall wear VTA issued badges certifying training completion.

#### 3.1.6 Track Allocation Meetings (Restricted Access Permits Only)

Permit holders working in a Restricted Access Area shall attend weekly track allocation meetings. The purpose of the meetings shall be to coordinate all planned traction power, train movement, construction and other activities.

#### 3.2 Enforcement and Penalties

The General Manager shall implement procedures to enforce permit requirements and conditions and adopt penalties for failure to comply.

#### 3.3 Copies of Procedures

Permit applicants shall be provided copies of all applicable rules and procedures.

**4.0 Definitions**

*Person:* An individual, group of individuals, firm or firms, corporation or corporations, association or associations, the United States Government or any department or agency thereof, the state of California or any department or agency thereof, any city, county, town or any of their departments or agencies, a school district, any other governmental or public district or entity, or any other legal district, entity or entities, or any combination of the foregoing. “Person” shall not include the Santa Clara Valley Transportation Authority.

## ATTACHMENT A

### VTA Permit Fee Schedule

#### Construction Access Permit Fees (Revised: November 1, 2007)

	<b>Current Minimum Fees</b>	<b>Proposed Minimum Fees</b>
1. <b><u>Application Fee</u></b>	\$580.00	\$695.00
• Administration, Processing and Plan Check Fee		
2. <b><u>Inspection Fee For Underground Utility Light Rail Crossing</u></b>	\$1,380.00	\$1,580.00
• Directional Bore Method		
• Jack and Bore Method (Under 12" In Diameter)		
3. <b><u>Inspection Fee For Bus and Transit Facility Restorations</u></b>	\$1,225.00	\$1,410.00
• Removing and restoring any portion of a VTA Portland Cement		
• Concrete (P.C.C.) Bus Pad or a VTA P.C.C. Shelter Pad		

#### Restricted Access Permit Fees (New) (Revised: November 1, 2007)

	<b>Current Minimum Fees</b>	<b>Proposed Minimum Fees</b>
1. <b><u>Restricted Access Permit</u></b>	\$640.00	\$775.00
• Application processing, administration, including weekly track allocation meetings, and inspection charges.		
2. <b><u>Roadway Worker Protection Training Fee</u></b>	\$55.00	\$65.00
• Per participant based on attending a regularly scheduled class conducted at a VTA facility		
3. <b><u>Light Rail Traction Power Down and Power Up Fee</u></b>	\$415.00	\$490.00
• For Traction Power Down and Power Up if permit activities require VTA to shut down light rail power.		
4. <b><u>Bus Bridge Fees</u></b>	\$145.00/ per hour/bus	\$160.00/ per hour/bus
• For supplemental portal to portal bus service required because permit activities disrupt rail services.		

**Permit Related Rates**  
**(Revised: November 1, 2007)**

The services of VTA personnel will be charged in accordance with the following rates. If the services of others not specified herein are required those services will be billed at the existing allocated rates.

<b>Classification/Type Service</b>	<b>Year 2007 Hourly Rate</b>
Administrative Support Officer	N/A
Assistant Superintendent	\$123.00
Construction Inspector	\$78.00
Engineering Technician I	\$67.00
Light Rail Power Supervisor	\$116.00
Light Rail Pass. Fac/Mtce/W-Side Supervisor	\$116.00
Light Rail Signal Supervisor	\$116.00
Light Rail Track Supervisor	\$116.00
Maintenance Scheduler	\$115.00
Office Specialist II	\$55.00
Office Support Supervisor	\$93.00
Overhead Line Worker	\$115.00
Principal Construction Inspector	\$91.00
Senior Construction Inspector	\$85.00
Senior Real Estate Agent	\$98.00
Sr. Transportation Engineer	\$110.00
Substation Maintainer	\$115.00
Technical Trainer	\$118.00
Transportation Supervisor	\$115.00
Non-Revenue Vehicle (Car or Pick Up Truck)	\$15.32
 Difference of \$219.78 or 13.4% Increase	 \$1,857.32

## ATTACHMENT B

### Cost Basis for Permit Fee Schedule

#### Construction Access Permit Fees

##### 1. Permit Application Fee (minimum fee)

Additional fees may be assessed for applications requiring new or revised plan checks. The Application Fee includes processing and administration charges and shall be added to the appropriate Inspection Fee. The components of the inspection fee are listed in sections 2 and 3 below.

Classification	Number Of Hours		Allocated Cost	=	Total Cost
Construction Inspector	1 hr.	X	\$78.00	=	\$78.00
Sr. Engineer	1 hr	X	\$110.00	=	\$110.00
Engineering Technician I	3 hr	X	\$67.00	=	\$201.00
Light Rail Power Supervisor	¼ hr.	X	\$116.00	=	\$29.00
Principal Construction Inspector	1 hr.	X	\$91.00	=	\$91.00
Sr. Construction Inspector	1 hr.	X	\$85.00	=	\$85.00
Sr. Real Estate Agent	¼ hr.	X	\$98.00	=	\$25.00
Transportation Supervisor	¼ hr.	X	\$115.00	=	\$29.00
Cars, Trucks ¾ Ton & Lighter	3 hr.	X	\$15.32	=	\$45.96

**Total: \$693.96 adjust to \$695.00**

\*Based on 3 Inspector Hours Above and Caltran's 2007/2008 Equipment Rental Rates

##### 2. Inspector Fee For Underground Utility Light Rail Crossing

- Directional Bore Method
- Jack and Bore Method ( Under 12" in Diameter)

Classification	Number Of Hours		Allocated Cost	=	Total Cost
Engineering Technician I	1 hr.	X	\$67.00	=	\$67.00
Principal Construction Inspector	1 hr.	X	\$91.00	=	\$91.00
Sr. Construction Inspector	14 hr.	X	\$85.00	=	\$1,190.00
Cars, Trucks ¾ Ton & Lighter	15 hr.	X	\$15.32	=	\$229.80

**Total \$1,577.80 adjust to \$1,580.00**

\*Based on 15 Inspector Hours Above

**3. Inspection Fees For Bus and Transit Facility Restorations**

Removing and restoring any portion of a VTA Portland Cement Concrete Bus Pad or Shelter Pad. The estimated amount of inspection time is the same for a bus pad or shelter pad.

Classification	Number Of Hours		Allocated Cost	=	Total Cost
Engineering Technician I	3 hr.	X	\$67.00	=	\$201.00
Principal Construction Inspector	1 hr.	X	\$91.00	=	\$91.00
Sr. Construction Inspector	11 hr.	X	\$85.00	=	\$935.00
Cars, Trucks ¾ Ton & Lighter*	12 hr.	X	\$15.32	=	\$183.84

**Total \$1,410.84 adjust to \$1,410.00**

\*Based on 12 Inspector Hours Above

**Restricted Access Permit Fees**

**4. Restricted Access Permit Fee**

Includes administration, processing and inspection charges.

Classification	Number Of Hours		Allocated Cost	=	Total Cost
Assistant Superintendent	5 ¾ hr.	X	\$123.00	=	\$708.00
Engineering Technician I	½ hr.	X	\$67.00	=	\$34.00
Cars, Trucks ¾ Ton & Lighter	2 hr.	X	\$15.32	=	\$30.64

**Total \$772.64 adjust to \$775.00**

\*Based on 2 Hours Field Review and Inspection

**5. Roadway Worker Protection Training Fee\***

<u>Classification</u>	<u>Number Of Hours</u>		<u>Allocated Cost</u>	=	<u>Total Cost</u>
Technical Trainer	6 hr.	X	\$118.00	=	\$708.00
Engineering Technician I	½ hr.	X	\$67.00	=	\$34.00
Office Support Supervisor	4.5 hr.	X	\$93.00	=	\$419.00
Cars, Trucks ¾ Ton & Lighter*	6 hr.	X	\$15.32	=	\$91.92

**Per Training Class Total \$1,252.92 adjust to \$1,255.00**

**Per Participant: \$62.75 adjust to \$ 65.00**

\*Based on a regularly scheduled class size of a twenty conducted at VTA facilities. Any special training will be charged on an actual cost basis.

**6. Light Rail Traction Power Down and Power Up Fee**

Classification	Number Of Hours	X	Allocated Cost	=	Total Cost
Overhead Line Worker	1 hr.	X	\$115.00	=	\$115.00
Overhead Line Worker	1 hr.	X	\$115.00	=	\$115.00
Substation Maintainer	1 hr.	X	\$115.00	=	\$115.00
Substation Maintainer	1 hr.	X	\$115.00	=	\$115.00
Cars, Trucks ¾ Ton & Lighter*	2 hr.	X	\$15.32	=	\$30.64

**Per Substation Total \$490.64 adjust to \$490.00**

\*Based on 2 Trucks at 1 Hour Each

**7. Bus Bridging Fee**

For supplemental bus service required because permit activities disrupt rail service.

Direct-Transit Operating Cost Per Hour For Bus Service \$159.48 adjust to \$160.00.