



Date: October 26, 2010
 Current Meeting: November 4, 2010
 Board Meeting: November 4, 2010

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
 Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Engineering & Construction Officer, Mark S. Robinson

SUBJECT: VTA Permit Fee Schedule Revisions

APPROVED ACCEPTED **ADOPTED** AMENDED DEFERRED REVIEWED
 Santa Clara Valley Transportation Authority
 Board of Directors
 Sandra A. Weymouth, Board Secretary

BY: [Signature]
 DATE: 11-4-10

Copy to: Mark S. Robinson
 11/05/10 mm

Policy-Related Action: No

Government Code Section 84308 Applies: No

ACTION ITEM

Resolution No. 2010.11.38

RECOMMENDATION:

Adopt a resolution amending the VTA Permit Fee Schedule, adjusting fees to be collected for Restricted Access Permits and Construction Access Permits to be consistent with the revision of VTA allocated rates.

BACKGROUND:

Third-party companies and others from time to time desire to undertake construction or other activities on or near VTA property and facilities. Similar to 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, events or other activities take place on or near light rail lines, Restricted Access Permits are also required.

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 Board of Directors adopted the current VTA Permit Policy on October 7, 2004 which includes fee schedules used by VTA for issuance of Construction Access Permits and Restricted Access Permits. The fee schedules were last amended by the Board of Directors on November 6, 2008.

The purpose of the VTA Permit Policy is to protect VTA property, facilities and services by establishing conditions for construction and other activities in proximity to VTA facilities and for VTA to recover the associated costs. In addition to labor costs, cost recovery items may include bus bridges, rail power downs and power ups, and roadway worker protection training.

DISCUSSION:

The VTA Permit Policy and Permit Fee Schedule include the following proposed changes:

- Revision of VTA Background Security Check Standards
- Update of VTA Permit Fee Schedule, revising fees and adding fees for service impacts
- Adjustment of fees consistent with the VTA revised allocated rates

The revised VTA Background Security Check Program Standards are based on the recommended best practices established by the Transportation Security Administration. The revised standards state that applicants can be denied if:

- Convicted of a felony within the last 7 years or misdemeanor within 1 year.
- Under an active warrant.
- Falsify or fail to disclose any and all related information.
- On parole, probation or other court required supervision.
- Registered sex, narcotics or arson offender.

VTA reserves the right to decide all aspects of the Background Security Check Standards.

The proposed Permit Fee Schedule (attached) is 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. VTA is required by law to adjust its fully allocated rates annually, which are reflected in the fees identified below. Non-labor costs will be directly charged as appropriate. VTA staff has determined the minimum cost of reviewing, processing and monitoring permits. The minimum application and inspections fees for access permits have been revised as a result of revisions 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 activities.

The Permit Fee minimums are proposed to be revised as follows:

	Current Minimum Fee	Proposed Minimum Fee
Construction Access Permit Application	\$960	\$1135
Inspection Fee for Underground Utility Light Rail Crossing	\$2120	\$2100
Inspection Fee for Transit Facility Restorations	\$1910	\$1855
Restricted Access Permit Application	\$1020	\$840
Roadway Worker Protection Training	\$70	\$50
Light Rail Power Down/Power Up	\$980	\$810
Bus Bridge (per hour/bus)	\$162.33	\$161.16
Modified Light Rail Service		
One Car Train	\$256.56	\$378.91
Two Car Train	\$384.84	\$454.78
Three Car Train		\$530.65

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 fees will be used to recover the fully allocated costs incurred by VTA in support of the permit process, which include labor and non-labor costs that would otherwise be paid for from general revenues.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee considered this item at their October 21, 2010 meeting. After discussion concerning the basis for the revised fully allocated rates being proposed, the item was unanimously approved by the Committee to be placed on the Consent Agenda for the November 4, 2010 Board of Directors meeting.

Prepared by: Bill Kindricks, Business Relations Manager
Memo No. 2356

Attachment A

VTA Permit Fee Schedule

Construction Access Permit Fees (Effective November 4, 2010)

	Minimum Fees
1. <u>Application Fee</u> <ul style="list-style-type: none"> • Administration, Processing and Plan Check Fee 	\$1135
2. <u>Inspection Fee For Underground Utility Light Rail Crossing</u> <ul style="list-style-type: none"> • Directional Bore Method • Jack and Bore Method (Under 12” In Diameter) 	\$2100
3. <u>Inspection Fee For Bus and Transit Facility Restorations</u> <ul style="list-style-type: none"> • Removing and restoring any portion of VTA Portland Cement • Concrete (P.C.C.) Bus Pad or a VTA P.C.C. Shelter Pad 	\$1855

Restricted Access Permit Fees
(Effective: November 4, 2010)

	Minimum Fees
<p>1. <u>Restricted Access Permit</u></p> <ul style="list-style-type: none"> • Application processing, administration, including weekly track allocation meetings, and inspection charges. 	\$ 840
<p>2. <u>Roadway Worker Protection Training Fee</u></p> <ul style="list-style-type: none"> • Per participant based on attending a regularly scheduled class conducted at a VTA facility 	\$ 50
<p>3. <u>Light Rail Traction Power Down and Power Up Fee</u></p> <ul style="list-style-type: none"> • For Traction Power Down and Power Up if permit activities require VTA to shut down light rail power. 	\$ 810
<p>4. <u>Bus Bridge Fees</u></p> <ul style="list-style-type: none"> • For supplemental portal to portal bus service required because permit activities disrupt rail services. 	\$161.16 per hour/bus
<p>5. <u>Modified Bus and/or Light Rail Services</u></p> <p>The following impact fees are intended to reimburse VTA for the impacts to normal VTA Bus and Rail Operations resulting from construction or other events.</p> <ul style="list-style-type: none"> • Hourly cost for each additional Bus required for service (regular or bus bridge): \$161.16 • Hourly cost for a one-car Train: \$378.91 • Hourly cost for a two-car Train: \$454.78 • Hourly cost for a three-car Train: \$530.65 	
<p>6. <u>Background Security Checks for VTA Permittees</u></p> <p>The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the Permittee's cost. VTA reserves the right to decide all aspects of the background security check process, including, but not limited to all costs.</p>	

Permit Related Rates
(November 4, 2010)

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.

Classification/Type Service	<u>Hourly Rate</u>
Assistant Superintendent	\$103
Bus Stop Maintenance Worker	\$ 53
Construction Inspector	\$ 101
Environmental H & S Supervisor	\$103
Information Services Representative	\$58
Light Rail Power Supervisor	\$103
Light Rail Pass. Fac/Mtce/W-Side Supervisor	\$94
Light Rail Signal Supervisor	\$103
Light Rail Superintendent	\$114
Light Rail Track Supervisor	\$94
Maintenance Scheduler	\$ 70
Management Analyst	\$89
Office Specialist II	\$55
Office Support Supervisor	\$ 74
Operations Manager	\$142
Overhead Line Worker	\$99
Permit Technician	\$ 85
Principal Construction Inspector	\$136
Public Communications Specialist	\$82
Senior Construction Inspector	\$111
Senior Engineer	\$152
Senior Real Estate Agent	\$ 133
Sr. Environmental Planner	\$142
Senior Mechanical Engineer	\$123
Senior Transportation Engineer	\$152
Substation Maintainer	\$87
Technical Trainer	\$96
Transit Development Specialist I	\$61
Transit Development Specialist II	\$74
Transportation Supervisor	\$103

Way Power & Signal Superintendent	\$109
Deputy Sheriff	\$78.04
Level 1 Reserve Deputy	\$51.74
Armed Patrol Officer – Year 2	\$25.04
Armed Patrol Office OT – Year 2	\$37.56
Armed Patrol Officer – Year 3	\$25.79
Armed Patrol Officer OT- Year 3	\$38.69
Unarmed Officer – Year 2	\$17.67
Unarmed Officer OT – Year 2	\$26.51
Unarmed Officer – Year 3	\$18.20
Unarmed Officer OT – Year 3	\$27.30
Non-Revenue Vehicle (Car or Pick Up Truck)	\$15.86

**Cost Basis for Permit Fee Schedule
(November 4, 2010)**

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.

<u>Classification</u>	<u>Number of Hours</u>		<u>Allocated Cost</u>		<u>Total Cost</u>
Construction Inspector	1 hr.	X	\$101	=	\$101
Sr. Engineer	1 hr	X	\$152	=	\$152
Sr. Transportation Engr.	1 hr.	X	\$152	=	\$152
Permit Technician	4 hr	X	\$ 85	=	\$340
Environmental H & S Supvr	¼ hr.	X	\$103	=	\$26
Principal Construction Inspector	1 hr.	X	\$136	=	\$136
Sr. Construction Inspector	1 hr.	X	\$111	=	\$111
Sr Environmental Planner	¼ hr.	X	\$142	=	\$ 36
Sr Real Estate Agent	¼ hr.	X	\$133	=	\$33
Cars, Trucks ¾ Ton & Lighter*	3 hr.	X	\$15.86	=	\$47.58

Total: \$1134.50 adjusted to \$1135.00

*Based on 3 Inspector Hours Above and Caltran's 2010/2011 Equipment Rental Rates

2. Inspection Fee For Underground Utility Light Rail Crossing

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

<u>Classification</u>	<u>Number of Hours</u>		<u>Allocated Cost</u>		<u>Total Cost</u>
Permit Technician	2 hr.	X	\$85	=	\$170
Principal Construction Inspector	1 hr.	X	\$136	=	\$136
Sr. Construction Inspector	14 hr.	X	\$111	=	\$1554
Cars, Trucks ¾ Ton & Lighter*	15 hr.	X	\$15.86	=	\$237.90

Total: \$2097.90 adjust to \$2100.00

*Based on 15 Inspector Hours Above and Caltrans' 2010/2011 Equipment Rental Rates

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.

<u>Classification</u>	<u>Number of Hours</u>		<u>Allocated Cost</u>	=	<u>Total Cost</u>
Permit Technician	2 hr.	X	\$85	=	\$170
Principal Construction Inspector	1 hr.	X	\$136	=	\$136
Sr. Construction Inspector	11 hr.	X	\$111	=	\$1221
Bus Stop Maintenance Worker	2 hr.	X	\$ 53	=	\$106
Cars. Trucks ¾ Ton & Lighter*	14 hr.	X	\$15.86	=	\$222.04

Total \$1855.04 adjust to \$1855

*Based on 12 Inspector Hours and 2 Hours Bus Stop Maintenance Above and Caltrans' 2010/2011 Equipment Rental Rates

Restricted Access Permit Fees

1. Restricted Access Permit Fee

Includes administration, processing and inspection charges..

<u>Classification</u>	<u>Number of Hours</u>		<u>Allocated Cost</u>	=	<u>Total Cost</u>
Assistant Superintendent	7 hr.	X	\$103	=	\$721
Permit Technician	1 hr	X	\$ 85	=	\$ 85
Cars. Trucks ¾ Ton & Lighter*	2 hr.	X	\$15.86	=	\$31.72

Total \$837.72 to \$840

*Based on 2 Hours Field Review and Inspection and Caltrans' 2010/2011 Equipment Rental Rates

2. 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	\$96	=	\$576
Permit Technician	1 hr.	X	\$ 85	=	\$ 85
Office Spec II	4 ½ hr.	X	\$ 55	=	\$248
Cars, Trucks ¾ Ton & Lighter*	6 hr.	X	\$15.86	=	\$95.16

Per Training Class Total \$1004.16 adjust to \$1005

Per Participant: \$50.25 adjust to \$50

*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.

3. Light Rail Traction Power Down and Power Up Fee

<u>Classification</u>	<u>Number of Hours</u>	<u>X</u>	<u>Allocated Cost</u>	<u>=</u>	<u>Total Cost</u>
Overhead Line Worker	2 hr.	X	\$99	=	\$198
Overhead Line Worker	2 hr.	X	\$99	=	\$198
Substation Maintainer	2 hr.	X	\$87	=	\$174
Substation Maintainer	2 hr.	X	\$87	=	\$174
Cars, Trucks ¾ Ton & Lighter*	4 hr.	X	\$15.86	=	\$63.44

Per Substation Total \$807.44 adjust to \$810

*Based on 2 Trucks at 2 Hours each and Caltrans’ 2010/2011 Equipment Rental Rates

4. Bus Bridging Fee

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

Direct-Transit Operating Cost per Hour for Bus Service \$161.16

5. Modified Bus or Light Rail Service

The following impact fees are intended to reimburse VTA for the impacts to normal VTA Bus and Rail Operation resulting from construction or other events.

- Hourly cost for each additional Bus required for service (regular or bus bridge): \$161.16
- Hourly cost for a one-car Train: \$378.91
- Hourly cost for a two-car Train: \$454.78
- Hourly cost for a three-car Train: \$530.65

6. Background Security Check

The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the permittee’s cost. VTA reserves the right to decide all aspects of the background security check process, including, but not limited to all costs.

The hourly labor rates for the various classification listed herein were rounded up to the nearest dollar and classification totals were rounded off to the nearest five-dollar increments, for ease of calculating fees.

Attachment B

Resolution No. 2010.11.38

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARA
VALLEY TRANSPORTATION AUTHORITY ADOPTING AMENDED VTA
PERMIT FEE SCHEDULE**

WHEREAS, pursuant to state law, which authorizes a local agency to charge fees for various services, including the issuance of permits and inspections related thereto, not to exceed the estimated reasonable cost of providing the service for which the fee is charged, the Santa Clara Valley Transportation Authority (“VTA”) proposes to adopt an amended VTA Permit Fee Schedule (“Schedule”);

WHEREAS, the schedule sets forth fees for the issuance of permits by VTA to cover the costs of administration and processing, plan checking and inspection, material lab services, and other construction services, in amounts that do not exceed the estimated reasonable cost of providing such services;

WHEREAS, prior to the regularly scheduled meeting of the Board of Directors on November 4, 2010, data, indicating the amount of cost, or estimated costs, required to provide the services for which the fees in the Schedule are to be levied and the revenue sources anticipated to provide the services, including Enterprise Fund revenues, were made available to the public;

WHEREAS, the proposed adoption of the Schedule was agendized for and considered by the Board of Directors at its regularly scheduled meeting on November 4, 2010, which meeting was an open and public meeting, at which oral or written presentations could be made concerning the Schedule; and,

WHEREAS, the Board of Directors has determined that the fees set forth in the Schedule do not exceed the estimated reasonable cost of providing the services for which such fees are to be charged, and the Schedule should be adopted to defray the costs to VTA of providing those services;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority that the VTA Permit Fee Schedule attached hereto be and hereby is adopted effective November 4, 2010, and that the fees set forth therein shall be charged by VTA for those specified services provided on and after such date.

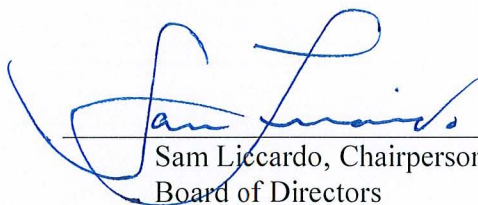
Resolution Adopting Amended VTA Permit Fee Schedule
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PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley
Transportation Authority on November 4, 2010, by the following votes:

AYES: Abe-Koga, Gage, Herrera, Kalra, Kniss, Larsen, Matthews, McHugh, Page, Pyle,
Liccardo

NOES: None

ABSENT: Reed




Sam Liccardo, Chairperson
Board of Directors

ATTEST:



Sandra A. Weymouth, Board Secretary

APPROVED AS TO FORM:



Kevin D. Allmand
General Counsel