

## PROCEDURES FOR PERMIT AND PLAN REVIEW

BART is regularly requested to issue permits to a variety of entities, including: public agencies, municipalities, private developers, and/or contractors. As an example, a permit may be requested if a power company needs to replace existing wires over the BART trackway. Another example would be a private developer needing to extend utilities from one side of the trackway to the other. Anything that is done on BART property that affects the property or the operation/safety of BART must be documented through the processing of a permit. Permits are only issued to the owner of the permitted improvements. To grant a permit request, the Permittee must have adequate insurance protection, which must be evaluated and approved by BART insurance Department.

In other instances, an Applicant/Owner/Permittee may be planning to execute a project that may impact or may be adjacent to the BART Right of Way. In this case, it is prudent to involve BART at the various stages of Design for comments and input. The Applicant/Owner/Permittee will apply for a plan review and must pay the associated BART staff costs for performing the review at various stages of the Design/plans/drawings.

A permit does not authorize the granting of a property right. If a property right is required (an easement), an action by the BART Board of Directors is required. Under all circumstances, the Fee Schedule, approved by the Board, requires for the reimbursement of all BART staff time and payment of fair market value for the easement.

### The Process of obtaining a Permit or a Plan review

- An intending Applicant/Owner/Permittee may obtain a Permit/Plan Review Application form in the following ways:
  1. BART website.
  2. Request from the BART Right of Way Management Division.

Permit/Plan Review application is to be submitted to:  
BART Right-of-Way Management Division  
300 Lakeside Drive 22<sup>nd</sup>. Floor,  
Oakland, California 94612.  
Attn: Les Freligh

- For Permit Application, the Applicant must do the following:
  1. Fill-out the application completely including the details of work to be performed and attach a check for the required application fee (see Fee Schedule).
  2. Attach a detail design, sketch or diagram of areas of the right-of-way to be impacted.
- The following must be submitted with the application in order for it to be processed:
  1. An application and processing fee (usually covers the initial cost for processing the Permit by Right of Way staff) along with six (6) sets of plans (11X17 is preferable), or if applicable, a 8-1/2" x 11" drawings (showing the location and scope of work) to BART. A refundable deposit (\$1,000.00 for projects less than \$100,000.00 or \$2,000.00 for projects more than \$100,000.00 ) may be required, if as-built drawings are needed (see note 4 below).
  2. Insurance certificate (s) (i.e. proof of current Insurance, showing General Liability, Worker's Comp., and Auto Liability ). Pollution coverage may be required if there is any kind of excavation or hazardous material transport involved in the project. Railroad protection coverage may also be required, if the work is to be done within 50 feet (vertical or horizontal) of BART tracks.

- BART determines the required type of permit upon receipt of application with the appropriate fees.
- BART processes the permit application and sends it to Engineering and other Departments (usually includes, but is not limited to: Design and Construction; Civil, Structural, and Electrical/Mechanical Engineering; Operations; Power and Way etc.).
- BART Engineering reviews the Design/Plans/Drawings of submittals and estimates staff hours that will be expended on the Design/Plans/Drawings review and/or inspection (if any). Review comments are then forwarded to the Right of Way Division for further processing.
- Right of Way sends the Applicant/Owner/Permittee, BART review comments. The Applicant/Owner/Permittee will incorporate these comments in their Design/Plans/Drawings and shall re-submit to BART.
- On approval of the Design/Plans/Drawings and Insurance submittals, two copies of the permit shall be sent to the Applicant/Owner/Permittee with a letter for further directions.
- Applicant/Owner/Permittee must then sign and return both copies of the permit to BART for execution. BART shall also sign the two copies, acknowledge receipt of all fees and return a signed copy to Applicant/Owner/Permittee for their records.

- Please make checks payable to:

San Francisco Bay Area Rapid Transit District (BART)

and send to the address below:

300 Lakeside Drive, 22<sup>nd</sup>. Floor  
 Oakland, CA. 94612  
 Attention: Right-of-way Management Division

- Permit application fee shall be waived for all Public Agencies, however, permit fees (for BART review staff) and refundable deposits will be charged as outlined above.
- Any permit extension request will require a processing fee of \$200.00, as stated in the fee schedule.
- **Permit close-out**
  - The following steps shall be taken by Applicant/Owner/Permittee to ensure proper close-out of permits.
    - Once the project is completed, the Owner/Applicant/Permittee shall review the as-built with BART Inspector and obtain a sign-off of the completed work. Applicant shall submit two copies of as-built Drawings to BART, Right of Way Management Division, with a letter requesting a

refund of the deposit Please note that the refundable deposit shall not be processed without the as-built submittal.

- For Plan Review Application, the Applicant/Owner/Permittee must do the following:
  1. Fill-out the application completely and explain the stage of the Design/Plans/Drawings.

**NOTE 1:** Plan review may be conducted independently of the permit process. For work adjacent to the BART Right of Way, or if no inspection by BART is required, a permit may not be required.

**NOTE 2:** If work is to be done in the trackway, the permit will require the permittee to call the BART Construction Liaison at (510) 464-6439, giving the requested time frame. The BART Construction Liaison attends the Track Allocation Committee meetings every Wednesday at 10:00 A.M. and attempts to place the item on the Track Allocation Schedule for the upcoming week. Weeks generally begin at 12:01 A.M. the next Saturday.

**NOTE 3:** In all cases, either the General Guidelines for Design and Construction Over or Adjacent to BART's Subway Structures or the General Guidelines for Design and Construction Over or Adjacent to BART's At-Grade and Aerial Structures must be adhered to.