

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 2/25/2026

Staff Report No. 26-083

TO: AC Transit Board of Directors
FROM: Salvador Llamas, General Manager/Chief Executive Officer
SUBJECT: AC Transit's Construction Access Permits

BRIEFING ITEM

AGENDA PLANNING REQUEST:

RECOMMENDED ACTION(S):

Consider receiving a report on AC Transit's Construction Access Permits. [Requested by the Board - 6/8/2022]

Staff Contact:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

STRATEGIC IMPORTANCE:

Goal - Safe and Secure Operations

Initiative - Infrastructure Modernization

The Construction Access Permit process was developed to ensure the safe and secure operation of District infrastructure modernization projects. Since the program was initiated, additional benefits have been realized in project cost reduction and schedule improvements.

BUDGETARY/FISCAL IMPACT:

There is no budgetary or fiscal impact associated with the receipt of this briefing. The operation of the Construction Access Permit program results in cost savings to AC Transit of 4-6% of the total capital costs and 8 -10 weeks in schedule time for each project.

BACKGROUND/RATIONALE:

On September 22, 2021, the Governor signed AB 784 into law. This bill designated AC Transit as a "Rapid Transit District", excluding the District from the previous definition and obligations as a "Local Agency."

Prior to AB 784, AC Transit as a Local Agency was required to comply with all applicable local building and zoning ordinances of the county or city in which its territory is located. Cities and counties were previously designated as the "Authority Having Jurisdiction" (AHJ) over local agencies and responsible for building code enforcement as the AHJ. With the passage of AB 784 into law, AC Transit is now considered the AHJ and is no longer required to comply with all applicable local building, permitting, and zoning ordinances of the counties or cities.

AC Transit must still abide by state and federal building codes, and the District is ultimately responsible for ensuring such compliance. This includes compliance with the Americans with Disabilities Act, California Building Code, National Electrical Code, National Fire Protection Association, etc. The District created the Construction Access Permit (CAP) program as the mechanism to ensure continued compliance with all state and federal codes and requirements on all projects.

After reviewing similar programs at other California agencies (Bay Area Rapid Transit, Valley Transit Authority, SamTrans, etc.), AC Transit's CAP process was developed and codified in Administrative Regulation 490A - "Construction Access Permits."

The Construction Access Permit program benefits AC Transit's Facility Modernization Strategic Initiative in four ways:

1. Providing code compliance reviews and inspections for all of AC Transit's projects.
2. Providing a permitting rigor to third-party projects at or near AC Transit facilities.
3. Providing a standard to confirm that all work on AC Transit facilities is performed by parties who are properly licensed and insured.
4. Providing site access controls for all work (AC Transit and third parties) to ensure safety and coordination of activities.

Code compliance reviews and site inspections ensure that improvements are made safely and securely. The detailed review of project plans and specifications, including construction period site inspections, is performed by independent third-party consultants from the District's on-call Architectural & Engineering (A&E) pool. These consultants are specifically skilled at performing this type of work and typically engaged by local city building departments for plan checks. Accordingly, the code compliance review is completed by the same staff that would provide review if it had been submitted to the local city building department.

The permitting rigor required by the CAP program protects AC Transit staff, facilities, and operations from unexpected consequences by any third party projects, including projects completed by local cities and agencies at or near AC Transit property. A couple of recent examples include:

- A CAP was issued to the City of Hayward to replace a sewer main that transversed the Hayward division. This CAP allowed us to coordinate site operations such that the large open excavation did not impact normal daily operations.
- A CAP was issued to the City of Oakland to replace the city sewer main beneath Seminary Avenue. The CAP modified the contractor's workplan such that both the ingress and egress driveways to the facility would not be closed at the same time. Because of the CAP, the contractor was required to keep one of AC Transit's driveways open at all times.

The CAP application is available on the AC Transit external website. The contractor completes the downloaded application, then submits it electronically to the CAP team. AC Transit staff will confirm proper Contractor's State License Board License, Contractor's State License Board License Bond, and Workers Compensation Insurance. For AC Transit projects, the code compliance review will already have been completed in the final

phase of the design process.

The CAP process also ensures that contractors do not show up unexpectedly nor disrupt District operations and perform work in a vacuum. Contractors must be met at the gate by District staff and have a proper escort while on District property. This also allows staff to observe safety procedures to ensure safe and secure operations.

ADVANTAGES/DISADVANTAGES:

There are several advantages to AC Transit's Construction Access Permit (CAP) process.

1. The program ensures design compliance with all state and federal codes and standards. Plan check reviews at two separate stages of design by independent third-party reviewers ensures that the design criteria have been developed in compliance with all current codes.
2. The program ensures that all construction improvements are installed in a code compliance manner including field inspections and construction observation.
3. The cost of implementing the CAP program is far lower than that of the previous city and local permit process. Previously, 6-7% of total project costs were allocated to city and local permitting. Under the current CAP program, we budget 2% of total project costs and rarely use the full allocation. Costs are limited to the actual cost of third-party plan check reviews and compliance site inspections during the construction period. AC Transit does not charge city and local agencies for issuance a CAP permit.
4. Collaborative integration of code compliance reviews. Previously, code compliance reviews could occur only after the design was finalized for bidding and the contractor was selected. Project bids were based on a set of plans that may need revisions (and a resulting change order) before the permit could be issued for construction. With the CAP process, code compliance is reviewed at two stages during the detailed design phase, allowing permit approved designs for construction to be released during the bidding process.
5. The CAP process provides for schedule compression. Because the code compliance review is completed at two separate stages during the design phase, plans and specifications "approved for construction" are typically included in the bid package. This eliminates the sequential permitting process associated with city permits, resulting in a better finished product and a timeline savings of at least 8-10 weeks.
6. The CAP process manages the impact of third-party projects on AC Transit's facilities and operating divisions. In addition to ensuring the quality of work completed on AC Transit projects, the CAP program requires permit approval for projects implemented by others (cities, utilities, etc.) in or around AC Transit facilities. In these cases, the CAP requirement ensures collaboration and coordination with District activities. The CAP process also verifies that third-party contractors are properly licensed and insured for the proposed work.
7. The CAP process controls site access. No one may enter an AC Transit facility to perform work without a CAP authorizing both their entry and the work.

Staff are not able to identify any disadvantages.

ALTERNATIVES ANALYSIS:

There are no feasible alternatives to continuing with the Construction Access Permit program. Staff could consider discontinuing the program, however, that is not advisable as discontinuing the program would be to disregard AC Transit's obligation to staff and the public established in AB 784.

PRIOR RELEVANT BOARD ACTION/POLICIES:

SR 22-298 - Impacts of AB-781 on Permitting for Capital Projects - June 8, 2022

ATTACHMENTS:

1. Administrative Regulation 490A - Construction Access Permits
2. Construction Access Permit Application

Prepared by:

Joe Callaway, Director of Capital Projects

In Collaboration with:

Grace Perez, Project Manager I

Approved/Reviewed by:

Ramakrishna Pochiraju, Executive Director of Planning & Engineering

Cecil Blandon, Director of Maintenance

Chris Andrichak, Chief Financial Officer

Aimee L. Steele, General Counsel/Chief Legal Officer

Aaron Vogel, Chief Operating Officer