



VTA CONSTRUCTION ACCESS PERMIT APPLICATION

SUBMIT APPLICATION PACKAGE TO:
Santa Clara Valley Transportation Authority (VTA)
Finance & Budget, Permits & Utility Locating Services
3331 N. First Street, Bldg. A
San Jose, California 95134-1906 (408) 321-5856

VTA Office use ONLY

Plan Check Number: _____ SION #: _____ Permit # _____

Permit Applicant (Applicant): _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Title: _____

Phone #: _____ Fax #: _____

E-Mail Address: _____

Emergency Contact Person: _____ 24/HR Emergency Phone #: _____

Work being performed for:

Company/Agency Name: _____ Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Phone #: _____

E-Mail Address: _____ General Contractor's CA License Number: _____

Work being performed by: (List General Contractor and all Subcontractors – see attached Exhibit "A")

Company Name: _____ Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____ Phone #: _____

E-Mail Address: _____ General Contractor's CA License Number: _____

Project Location: _____

Start Date: _____ Completion Date: _____

Estimate the number of work days (only include work days subject to this CAP):

Regular Work Days: _____ Overtime/Weekend or Holiday Days: _____

TERMS AND CONDITIONS OF VTA CONSTRUCTION ACCESS PERMIT

I. THE FOLLOWING ITEMS OR CONDITIONS ARE REQUIRED FOR ALL PERMIT APPLICATIONS:

- a. All Applicants must adhere to the attached background security screening process and have a Background Security Check (BSC) clearance/badge prior to issuance of a VTA permit. This requirement does not apply to governmental agencies and permits limited to bus pad restoration (see attached Exhibit "B").
- b. To initiate the permit process, complete, sign, and submit this Application Form with the permit application fee. The final permit fee will be determined after review and approval of the application and/or plans. Make payment by cash or check payable to Valley Transportation Authority. For further information regarding permit fees, call (408) 321-5856. The Applicant agrees to reimburse VTA for all actual and direct costs expended by VTA, including costs to process this application and inspect the permit work.
- c. The Applicant shall provide a detailed description of the work to be performed. The Applicant's description of the work, at a minimum, must include the items listed below. If the Applicant wishes to include additional information, please enclose additional sheet(s).

1.Type of project: _____

2.Distance from the nearest tracks: _____

3.Contractor schedule: _____

4.Cost of project within the CAP envelope:

5.Impact on VTA operations (if known): _____

6.Work plan: _____

7. Type of equipment to be used: _____

8. Other Information: _____

Attach:

- Traffic Control Plan
- Work Zone Diagram

- d. For construction projects, attach one (1) electronic copy of the Plans and Specifications. All plans submitted to VTA must include the Assessor parcel number, VTA property lines, tracks, stations, facilities, and all known underground utilities.
- e. YES NO - Do you have a cooperative or other agreement with VTA concerning this project? If yes, please provide a copy of the agreement with your application.
- f. All Applicants must adhere to Section V., Insurance Requirements.

II. THE FOLLOWING ITEMS OR CONDITIONS ARE REQUIRED WHEN APPLICABLE:

- a. All workers, working on or working within 10 feet of any VTA light rail property, are required to complete VTA’s Railroad Worker Protection and Safety training class prior to beginning any work on the project. Call VTA’s Light Rail Technical Training Center at (408) 952-6800 for further information.
- b. Workers may also be required to complete a Heavy Rail Safety Training Class when working within, or near, tracks owned/operated by Caltrain, Union Pacific Railroad (UPRR), or Bay Area Rapid Transit (BART) (collectively referred to as Agencies). Each Agency conducts its own training. For further information, call (1) Caltrain at (408) 300-3108; (2) UPRR (402) 544-8722; and (3) BART at (510) 464-6676.
- c. The Applicant is responsible for notifying Agencies and obtaining encroachment permits, according to the respective Agencies’ guidelines.
- d. The Applicant is responsible for arranging and paying for all costs for railroad flagmen/watchmen.
- e. Submission to and approval by VTA of a Traffic Control Plan.
- f. A copy of the General Contractor’s State of California Contractor’s License must be submitted for all construction work.
- g. Applicants wishing to install a utility or a facility on property owned by VTA must submit a copy of a document, such as a license, lease, or easement that allows Applicant to enter, construct, install, maintain, or operate upon VTA property. If no such document exists, Applicant should contact VTA Real Estate, at (408) 321-5777 to initiate this process.
- h. As stated in Government Code 4216.9. (a): “No permit to excavate ...shall be valid unless the applicant has been provided with an initial inquiry identification number...” Applicant or its General Contractor shall notify VTA’s Permit & Utility Services Unit of the **USA Ticket Number** prior to start of work.
- i. BART may require a separate permit, if the work will affect, or is within, property located within Bart’s Operating Easement within VTA property.

III. RAIL LINE POWER SHUT DOWN:

- a. YES NO - In your opinion, will this job require the shutdown of power to either VTA Light Rail Overhead Catenary System (OCS) or BART Third Rail?
- b. A separate BART permit may be required, when work will affect, or is within, Bart’s Operating Easement located within VTA property.
- c. If VTA or BART determines that a power shutdown is required, any actual costs incurred will be borne by Applicant or its General Contractor.
- d. Each Agency will make an assessment to determine if a power shutdown is required.

IV. BUS STOP AND/OR SERVICE INTERRUPTION:

- a. YES NO - Will this project require a Bus Stop and/or Service Interruption?
If yes:
 - 1. Contact the VTA General Bus Stop Hotline at (408) 321-5800 or bus.stop@vta.org.
 - 2. Provide the estimated number of work days: : _____
- b. VTA will make an assessment to determine if a Bus Stop and/or Service Interruption is required.

V. INSURANCE REQUIREMENTS:

- a. Prior to final approval of the CAP, the Applicant must provide VTA with an ACORD certificate evidencing insurance coverages that fully comply with the attached Insurance and Indemnity Requirements (see attached Exhibit “C”). Applicant expressly agrees to the indemnity provisions of the Insurance and Indemnity Requirements in Exhibit “C”. All public agencies that are self-insured must provide satisfactory evidence of self-insurance prior to issuance of the permit.
- b. In addition, all Applicants must complete and submit the attached Railroad Protective Liability application, attached as Exhibit “D”. Any construction work within 50 feet in any direction from any

railroad, or within 50 feet in any direction from any VTA OCS, requires the Applicant to apply for enrollment in VTA’s Railroad Protective Liability program via Exhibit “D”. All questions on the VTA questionnaire are mandatory. If not accepted by VTA, the Applicant must procure Railroad Protective Liability Insurance at its own expense, showing VTA as a Named Insured. If VTA deems the General Contractor’s project to be hazardous, then VTA may require, at its sole discretion, that Railroad Protective limits be \$5,000,000 per occurrence, \$10,000,000 annual aggregate. Rates for the VTA program are as follows in the table below. VTA will collect Federal surplus lines taxes of 4% and State surplus lines taxes of 3% in addition to the amounts shown.

RAILROAD PROTECTIVE LIABILITY INSURANCE FOR CAPS		
Description	Rate	Insurance Limits
Non VTA Projects & Entry Permits: up to 10 calendar days in a 60 day period, total job cost \$50,000 or less	\$300 flat fee (includes 7.2% surplus lines tax)	\$2,000,000 per occurrence; \$6,000,000 annual aggregate
Non VTA Projects & Entry Permits more than 10 calendar days, longer than 60 day duration, greater than \$50,000 job cost (minimum premium charge \$1,000)	\$0.30 per \$100 of contract value located within 50 feet of rail plus surplus lines tax of 7.2%	\$2,000,000 per occurrence; \$6,000,000 annual aggregate
Non-VTA Projects deemed hazardous by VTA (quoted on per project basis)	\$0.45 per \$100 of contract value within 50 feet of rail plus surplus lines tax of 7.2%	\$5,000,000 per occurrence; \$10,000,000 annual aggregate

Permit FAQ’s:

1. **What is the current version of the VTA Policy?** VTA Permit Policy, dated October 7, 2004, Document Number, CO-PL-0001, Version Number 02, as amended.
2. **When is a Construction Access Permit (CAP) Required?** A CAP is required prior to commencing any underground, overhead, or surface work that (1) is located within VTA properties or facilities; (2) is located within 10 feet of any rail that is part of VTA’s Light Rail System, including the OCS; and (3) has the potential of affecting VTA property, services or assets.
3. **When is a Restricted Access Permit (RAP) Required?** A RAP may be required when workers, or their equipment, have the potential of or are actually working within 10 feet of the Light Rail Tracks/System, over/under any OSC, or other VTA rail.
4. **Whom do I call for more information about a CAP?** Call VTA Permits Office at (408) 321-5856.
5. **Whom do I call for more information about a RAP?** Call (408) 546-7608 for further information.
6. **How long does the permit evaluation process take?** The permit evaluation process usually takes 7–14 working days from the date that all permit application requirements are completed and received by VTA.

By signing this application form, the Applicant agrees to all of the terms and conditions contained herein and to any provisions set forth in the CAP.

Authorized Signature: _____	Date: _____
Print Name: _____ Phone #: _____	

Exhibit "A"
List of General Contractor and all Subcontractors

Work being performed by:

General Contractor

Company Name: _____ Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Phone #: _____
E-Mail Address: _____ Contractor's CA License Number: _____

1. Subcontractor

Company Name: _____ Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Phone #: _____
E-Mail Address: _____ Contractor's CA License Number: _____

2. Subcontractor

Company Name: _____ Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Phone #: _____
E-Mail Address: _____ Contractor's CA License Number: _____

3. Subcontractor

Company Name: _____ Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Phone #: _____
E-Mail Address: _____ Contractor's CA License Number: _____

4. Subcontractor

Company Name: _____ Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Phone #: _____
E-Mail Address: _____ Contractor's CA License Number: _____

5. Subcontractor

Company Name: _____ Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Phone #: _____
E-Mail Address: _____ Contractor's CA License Number: _____

6. Subcontractor

Company Name: _____ Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Phone #: _____
E-Mail Address: _____ Contractor's CA License Number: _____

Exhibit “B”

VTA Background Security Check Program

Santa Clara Valley Transportation Authority (VTA) is committed to providing a safe and secure workplace for all Employees, Permittees and Permittee’s employees and subcontractors. This commitment is extended to all that may or may not work under the authorization of a VTA Construction Access Permit (CAP) or Restricted Access Permit (RAP). In an effort to better protect VTA interests and ensure that all Permittees and their employees and subcontractors accessing or working at VTA properties/facilities/systems are in a safe and secure environment, VTA has adopted a Background Security Check Program (BSC) that will require the following:

- Criminal and Identity background screening
- VTA authorized access badge with photo that must be displayed on the work site

Effective August 1, 2010, Applicants that apply for VTA permits to perform work or other activities authorized by VTA CAPs or RAPs are required to comply with the BSC program standards. Applicants and their employees and subcontractors can be denied access to or near VTA properties/facilities/systems if they have one or more of the following:

1. A felony conviction within the last 7 years or a misdemeanor conviction within 1 year;
2. An active warrant;
3. A falsification or failure to disclose any and all related information;
4. On parole, probation or other court required supervision; or
5. Registered sex, narcotics or arson offender.

This BSC program will be administered by iproveit.com, referred to hereafter as the Investigator. To initiate the BSC Program, please contact Iproveit at (678) 775-6720. Their website is as follows: www.iproveit.com. A one-time enrollment fee will be required.

These standards have been set for those Permittees and their employees and subcontractors who will be allowed to access or encroach upon VTA’s properties/facilities/systems and/or near the VTA’s properties/facilities/systems to perform permit work. VTA reserves the right, at its sole discretion, to bar any person from accessing, encroaching upon or working on or near VTA properties/facilities/systems.

All charges incurred in the use of the Investigator services are solely the responsibility of the respective Permittee. Background investigations that a Permittee may have secured outside of this BSC program from companies other than the Investigator are not applicable to VTA’s BSC program. Your dealings with regard to the services of the Investigator will be directly with the Investigator and not with VTA.

Permittees and any of their employees and subcontractors who are not in compliance with the VTA BSC program will be denied access to work on a VTA CAP or RAP or on any VTA properties/facilities/systems.

If you have any questions concerning the above, contact the VTA Permits Office at (408) 321-5856.

Exhibit “C”
Construction Access Permits - Insurance Requirements
Endorsement Schedule

General Liability:

- Additional Insured Ongoing Operations (equivalent to CG 20 10 10 01)
- Additional Insured Completed Operations (equivalent to CG 20 37 10 01)
- Primary & Non-Contributory
- Separation of Insureds (Severability of Interest)
- Waiver of Subrogation
- Railroad Liabilities (CG 24 17) – required if any work or services will be performed within 50 feet of VTA rail right of way

Auto Liability:

- Additional Insured
- Primary & Non-Contributory
- Separation of Insureds (Severability of Interest)
- Waiver of Subrogation

Worker’s Comp:

- Waiver of Subrogation

Pollution Liability:

- Waiver of Subrogation

Contractual Indemnity Clause:

(a) The Applicant shall indemnify and hold harmless VTA, its board members, officers, agents, employees, and consultants (collectively, the “Indemnitees”) from any claims, liabilities, losses, injuries, damages, expenses, fines, penalties, liens, stop notices, or fees and costs (including attorneys’ and experts’ fees and costs) arising out of, pertaining to, or caused by, or in any way relating to the Work, including the performance of this Contract or any subcontract hereunder, by the Applicant and/or its agents, employees, or subcontractors, whether such claims, liabilities, losses, injuries, damages, expenses, fines, penalties, liens, stop notices, or fees and costs (including attorneys’ and experts’ fees and costs) are based upon a contract, or for personal injury, death or property damage or upon any other legal or equitable theory whatsoever. Notwithstanding the foregoing, the Applicant is not obliged to indemnify and/or hold harmless the Indemnitees from any claims, liabilities, losses, injuries, damages, expenses, fines, penalties, liens, stop notices, or fees and costs (including attorneys’ and experts’ fees and costs) arising from the sole or active negligence or willful misconduct of VTA or its agents, servants or independent contractors who are directly responsible to VTA, or from damages for defects in designs furnished by those persons.

(b) The Applicant agrees, at its own expense, and upon written request by VTA or any individual Indemnitee, to immediately defend any suit, action, claim, or demand brought against any Indemnitee founded upon, alleging, or implicating any claims, liabilities, losses, injuries, damages, expenses, fines, penalties, liens, stop notices, or fees and costs (including attorneys’ and experts’ fees and costs) covered by the Applicant’s indemnity obligation set forth above in subparagraph (a) immediately above and regardless of whether the Applicant and/or any of its agents, employees, or subcontractors, was, in fact, liable. In the event a court of competent jurisdiction determines that any suit, action, claim, or demand brought against any Indemnitee was caused by the sole or active negligence or willful misconduct by VTA or its agents, servants or independent contractors who are directly responsible to VTA, VTA shall promptly reimburse the Applicant for costs of defending the Indemnitees in such action incurred by the Applicant, but only in proportion to the sole or active negligence or willful misconduct of VTA or its agents, servants or independent contractors who are directly responsible to VTA.

(c) This indemnity and defense of claims provision will survive the expiration or termination of the Permit and remain in full force and effect.

Exhibit "D"
Railroad Protective Liability Application

Policy Term January 1, 2017 - January 1, 2018
Blanket Program Enrollment Questionnaire

CAP ID #: _____

1. Name & Address of General Contractor: _____

2. Name & address of project owner for whom work is being done: _____

3. Physical description and location of work being performed. Attach diagram of work being performed within 50 feet of rail ROW.

4. Anticipated start date _____

4a. Total # of work days on site: _____

5. Anticipated completion date: _____

6. Total Contract Value: _____

7. Total cost within 50 feet of rail right of way: _____

8. If any movement of track, please describe: _____

8a. Number of trains passing through jobsite per day: _____

9. Confirm VTA is an Additional Insured on General Contractor's policies: Yes ___ No ___

10. Confirm VTA is held harmless in contract? Yes ___ No ___

11. Confirm the contractual exclusion for work within 50 feet of a RR has been removed from General Contractor's general liability, automobile and umbrella insurance: Yes ___ No ___

12. Please attach project scope of services, and General Contractor's certificate of insurance, with the following endorsements: GL and Auto Additional Insured; GL Railroad CG 24 17; Waiver of Subrogation for all lines; Primary & Noncontributory for all lines; Separation of Insureds for all lines; Umbrella or Excess Drop Down endorsement

For VTA Internal Use Only:

Confirm VTA is additional insured on General Contractor's policies: Yes _____ No _____

Confirm VTA is held harmless in contract: Yes _____ No _____

Confirm the contractual exclusion for work within 50 feet of a RR has been removed from General Contractor's general liability, automobile and umbrella insurance: Yes _____ No _____