



# **POLICY REGARDING THIRD PARTY REQUESTS TO USE PROPERTY OWNED BY THE PENINSULA CORRIDOR JOINT POWERS BOARD**

JPB WPLP Committee  
February 24, 2021

# PURPOSE OF POLICY

---

- Policy was last updated in 2010
- Updates fees to reflect current values and actual cost to process agreements
- Ties approval process to RCUP
- Updates delegations
- Updates definition of property types and agreements

# POLICY CONTEXT

---

- Rail Corridor Use Policy (RCUP)
  - Guides the agency's decision-making regarding non-railroad uses of JPB property (commercial uses, community uses, etc.), to ensure compatibility with railroad's current and future needs.
  - Identifies areas of the Caltrain corridor that are currently needed, or may be needed in the future, to support the railroad, as well as areas that may be available for short- or long-term non-railroad uses.

# POLICY CONTEXT

---

- Transit-Oriented Development (TOD) Policy
  - Guides the agency’s development of property that is determined to be available for long-term non-railroad uses according to the RCUP.
    - RCUP preliminarily identified two “high” potential opportunity sites for independent development, and
    - Seven “other” potential opportunity sites that could be candidates for development (such as in conjunction with neighboring sites owned by other entities).
    - Development of both types of sites will be guided by the TOD Policy.

# POLICY CONTEXT

---

- Policy of Property Conveyance
  - Sets framework for temporary and compatible uses of agency property. For example:
    - Utility crossings of ROW
    - Revenue generating leases
    - Other short term uses
- Fee Schedule
  - Sets fees for various types of plan review and agreements
  - Documents RCUP fees

# TYPES OF USES COVERED BY POLICY

---

## Utility Crossings

- The Caltrain Corridor runs through the middle of the Peninsula to serve both sides of the corridor
  - Approximately 500 utilities currently cross the right of way
    - Gas, electric, telecom, water, sewer lines, cable TV, storm drains
- Utility crossings are typically permitted through a License Agreement
  - Provides right to cross the ROW but does not confer a property right
  - Typically allows agency to move facility at utility owner's cost

# TYPES OF USES COVERED BY POLICY

---

## Other Short- Term Uses

- Girl Scout Cookie Sales
- Events on Caltrain Property:
  - Bike to work, Library Awareness Events. ect
- Typically permitted through a revocable Encroachment Permit

# TYPES OF USES COVERED BY POLICY

---

## Leases

- The agency has 160 leases that generate over \$1.1M annually
  - Lease sites are located along commercial corridors, like ECR
- Some lease sites are **landlocked** only accessible through the contiguous properties
  - Approximately 24 leases are landlocked, about 15 percent of inventory



# EXAMPLE OF NON-LANDLOCKED SITE



# EXAMPLE OF LANDLOCKED SITE



# HOW ARE USES APPROVED?

---

- All proposed uses have been analyzed to confirm:
  - The proposed use is compatible with current and future rail needs
    - Historically, such reviews have been conducted by staff on a case by case basis
      - Now compatibility is determined by the Board- approved RCUP use zones
  - The proposed use is consistent with all relevant engineering standards

# FEE SCHEDULE

---

- Updated to reflect current property values and agency costs
- Example Fees
  - Processing Fee
    - Fee associated with preparing the property use document
    - Designed to recoup staff costs
  - Review Costs
    - Cost for staff review of proposed use
    - Agency recollects cost of review through a Service Agreement
  - Annual Fee
    - Cost associated with a facility being on the right of way
    - Based on current property values

# FEE SCHEDULE

---

## Leases

- Agency leases property to generate revenue
  - Rent is Fair Market Rent (FMR), typically calculated by a local broker
  - Lease term should be long enough to maximize rent yet short enough to accommodate anticipated future rail uses
- Uses and areas available to lease set forth in RCUP

# MAJOR CHANGES FROM CURRENT FEE SCHEDULE

---

- Agency must obtain FMR for all leases
- Increases processing fee and annual fee
- Adds RCUP fees
- Requires that fees be paid before a permit is processed

# MAJOR CHANGES FROM CURRENT POLICY

---

- Encourages longer leases, if compatible with rail needs
- Differentiates between Landlocked and Non-Landlocked leases
- Non-Landlocked Sites
  - Board approval required if the same tenant leases property for more than five consecutive years
  - Must advertised for lease if lease is to be longer than 5 years
- Landlocked Sites
  - Same tenant may extend past five years without Board Approval
  - Do not need to be advertised for lease

# NEXT STEPS

---

- Staff requests Board adopt Policy



# QUESTIONS?