

1 [Approval of Amendment No. 1 of Lease, Use and Operating Agreement for BART Station and
2 Related Facilities and Grant of Easement at San Francisco International Airport, Lease No.
3 L97-0081.]
4

5 **Resolution approving and authorizing the execution of Amendment No. 1 to Lease, Use**
6 **and Operating Agreement for BART Station and Related Facilities and Grant of**
7 **Easement at San Francisco International Airport, Lease No. L97-0081 to: (1) limit BART**
8 **Premium Fare (surcharge) for non-airline airport employees to \$1.50 each way for the**
9 **remainder of the Lease; (2) remove BART Faithful Performance Deposit requirement;**
10 **(3) permit monthly payment by BART of the annual rent in lieu of advance annual**
11 **payment; (4) allow advertising by BART in the Airport-BART Station; and (5) include**
12 **administrative updates to the Lease.**

13 WHEREAS, by Airport Commission Resolution No. 97-0081, the City and County of
14 San Francisco, acting by and through its Airport Commission ("City") approved the Lease,
15 Use and Operating Agreement for BART Station and Related Facilities and Grant of
16 Easement at San Francisco International Airport, Lease No. L97-0081 ("**Lease**"), adopted
17 on April 8, 1997, between San Francisco Bay Area Rapid Transit District ("**BART**") and the
18 City; and

19 WHEREAS, by Board of Supervisors Resolution No. 621-97, the Board of
20 Supervisors approved the Lease on June 27, 1997 between BART and City; and

21 WHEREAS, on July 1, 2009, BART increased the surcharge portion of the fare
22 ("**Premium Fare**") from \$1.50 to \$4.00 each way for all persons accessing BART from the
23 Airport-BART Station; and

24 WHEREAS, the Airport desires to alleviate the increase in the Premium Fare to non-
25 airline Airport badged employees accessing the Airport-BART Station by limiting the Premium
26 Fare to \$1.50 each way for the remainder of the Lease; and

1 WHEREAS, in consideration of BART's agreement to this request, City and BART
2 desire to amend the Lease to: (1) limit the Premium Fare to \$1.50 each way for non-airline
3 Airport employees; (2) remove BART's Faithful Performance Deposit; (3) permit monthly rent
4 payments in lieu of advance annual payment; (4) allow BART advertising in the Airport-BART
5 Station; and (5) include contact details and applicable City and other governmental provisions;
6 now, therefore, be it

7 RESOLVED, that this Board of Supervisors hereby approves and authorizes the
8 execution of Amendment No. 1 to the Lease, Use and Operating Agreement for BART Station
9 and Related Facilities and Grant of Easement at San Francisco International Airport, Lease
10 No. L97-0081 between San Francisco Bay Area Rapid Transit District ("**BART**") and the City
11 and County of San Francisco acting through its Airport Commission ("**City**") to: (1) limit the
12 Premium Fare to \$1.50 each way for non-airline Airport employees; (2) remove BART's
13 Faithful Performance Deposit; (3) permit monthly rent payments in lieu of advance annual
14 payment; (4) allow BART advertising in the Airport-BART Station; and (5) include contact
15 details and applicable City and other governmental provisions.
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City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 100900

Date Passed: September 14, 2010

Resolution approving and authorizing the execution of Amendment No. 1 to Lease, Use, and Operating Agreement for BART Station and Related Facilities and Grant of Easement at San Francisco International Airport, Lease No. L97-0081 to: (1) limit BART Premium Fare (surcharge) for non-airline airport employees for \$1.50 each way for the remainder of the Lease; (2) remove BART Faithful Performance Deposit requirement; (3) permit monthly payment by BART of the annual rent in lieu of advance annual payment; (4) allow advertising by BART in the Airport-BART Station; and (5) include administrative updates to the Lease.

September 14, 2010 Board of Supervisors - ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100900

I hereby certify that the foregoing Resolution was ADOPTED on 9/14/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

September 21, 2010

Date Approved