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 to $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.

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

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

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

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

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

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