



Metropolitan Transportation Authority

Diversity Committee Meeting

June 2013

Committee Members

F. Ferrer, Acting MTA Chairman

S. Metzger

J. Banks III

R. Bickford

D. Paterson



MEETING AGENDA

MTA DIVERSITY COMMITTEE

June 3, 2013 – 2:45 p.m.

347 Madison Avenue
Fifth Floor Board Room
New York, NY

AGENDA ITEMS

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MTA DIVERSITY COMMITTEE

Meeting Minutes

347 Madison Avenue, Fifth Floor Board Room

New York, NY 10017

Wednesday March 13, 2013

8:30 a.m.

The following Committee members were present:

Hon. Fernando Ferrer, Chairman

Hon. Susan G. Metzger

Hon. Robert C. Bickford

The following Committee members were absent:

Hon. John Banks III

Hon. David Paterson

The following were also present:

Nuria I. Fernandez, Chief Operating Officer, MTA

Michael J. Garner, Chief Diversity Officer, MTA Department of Diversity and Civil Rights
("DDCR")

Naeem U. Din, Deputy Director, DDCR

Gwen Harleston, Deputy Director Minority, Women-owned, and Disadvantaged Business
Enterprises ("MWDBE") Contract Compliance, DDCR

Zenaida Chape, Assistant Director, Outreach, DDCR

Shawn Moore, Assistant Director, EEO and Title VI Compliance, DDCR

George Cleary, Deputy Director, Small Business Mentoring Program, DDCR

Nadir Jones, Manager, Small Business Mentoring Program, DDCR

Carolyn Greene, Assistant Director, Certification, DDCR

Michael Fyffe, Director, Diversity Management, MTA Long Island Rail Road ("LIRR")

Joel Andrews, Chief Officer, Office of EEO, MTA New York City Transit ("NYC
Transit")

Vernessa Moses, Assistant Chief Officer, EEO, NYC Transit

Patrick Smith, Senior Director, Human Resources, NYC Transit

Gloria Colon, Chief EEO Officer, MTA Bridges & Tunnels ("B&T")

Raymond Burney, Senior Vice President, MTA Metro-North Railroad ("MNR")

Robert Rodriguez, Director, Diversity and EEO, MNR

Roberto Aguirre, Sr., Assistant Director, Diversity and EEO, MNR

Anthony Bombace, Senior Director, Procurement and Material Management, MNR
David Cannon, Director, Procurement and Risk Management, MTA Capital Construction
("CC")

1. Public Speakers:

There were six public speakers:

- William Howell, President, Howell Industries, and Member of New York State Minority Business Advisory Council: He welcomed Mr. Ferrer in his new role as Acting MTA Chairman and Chairman of the Diversity Committee. He also thanked Ms. Metzger for her support of MTA's MWDBE Program as past Chairperson of the Diversity Committee. Mr. Howell also acknowledged Mr. Garner as the driving force behind MTA's Small Business Mentoring Program ("SBMP") and the Small Business Federal Program ("SBFP"). Mr. Howell encouraged the committee to continue to allow MWDBEs to expand their participation, particularly in rebuilding projects in the aftermath of Hurricane Sandy.
- Elizabeth Velez, The Velez Organization: She also welcomed Mr. Ferrer in his new role as Acting MTA Chairman and Chairman of the Diversity Committee. She thanked Mr. Garner for his efforts to increase opportunities for MWDBEs at the MTA. Ms. Velez said her organization wants to ensure MWDBE participation in MTA's rebuilding efforts in the aftermath of Hurricane Sandy. The Velez Organization, along with a few other firms, is a part of New York City's rebuilding efforts.
- Timothy Marshal, President, Jamaica Business Resource Center: He welcomed Chairman Ferrer and acknowledged the tremendous work of the MTA's SBMP under the leadership of Mr. Garner and Ms. Metzger. Mr. Marshall added that MTA's SBMP has become very critical since New York City will be undertaking rebuilding projects in the aftermath of Hurricane Sandy. Mr. Marshall added that under the leadership of Mr. Ferrer, the economic landscape will be brighter for women and communities of color with respect to business and job opportunities.
- Monica Foster, President, New York State Association of Minority Contractors: She thanked Ms. Metzger and Mr. Ferrer for their leadership roles. She commended the MTA staff for doing a tremendous job of opening doors for MWDBEs. Ms. Foster hoped that MTA will continue to support MWDBEs in its procurement activities.
- Sandra Wilkins, President, Bradford Construction: She said that under Mr. Garner's leadership DDCR has changed the culture of doing business with the MTA. She added that the entrepreneurs bring a level of innovation and creativity to the table and therefore it is important that they be given the opportunity to work with the MTA. Ms. Wilkins thanked Ms. Metzger for her leadership as past Chairperson of the Diversity Committee. She said under Mr. Ferrer's leadership the focus will be on MWDBE participation. She wants to see greater participation by MWDBEs in reconstruction efforts in the aftermath of Hurricane Sandy.

- Reverend Jacques De Graff, First Vice President, One Hundred Black Men: He expressed his appreciation for the leadership provided by Ms. Metzger and Mr. Ferrer. He also gave his full support to Mr. Garner and DDCR staff in their efforts to increase MWDBE participation at the MTA. He said there must be greater MWDBE participation in MTA's rebuilding efforts in the aftermath of Hurricane Sandy. He emphasized his support for the establishment and continuance of contract goals for MWDBE participation. He called for the creation of an Advisory Council, in order for MTA and the MWDBE community to work hand-in-hand in achieving these objectives.

Chairman Ferrer thanked the speakers for their comments. He also expressed his support for efforts undertaken by Mr. Garner to increase MWDBE participation at the MTA. He further thanked Ms. Metzger for her leadership as past Chairperson of the Committee. He said that Mr. Ferrer's appointment as Acting Chairman of MTA and Chairman of the Committee sends a message about the MTA. He expressed his commitment to MWDBE participation in rebuilding efforts after Hurricane Sandy.

Ms. Metzger said she was touched by the kind words addressed to her by the public speakers. She expressed her appreciation of how MWDBEs and the staff at DDCR and throughout the MTA, have worked together to achieve results for increased MWDBE participation.

2. Minutes

Upon a motion duly made and seconded, the Committee unanimously approved the minutes of the meeting held on December 17, 2012.

3. Overview of Today's Meeting

2013 Diversity Committee Work Plan

Chairman Ferrer asked if there were any changes to the work plan. Mr. Din said the approval of Title VI Policies, originally scheduled for March 2013, has been moved to June 2013. There were no other changes to the work plan.

2013 Departmental Goals Update

Mr. Garner provided an update of DDCR's departmental goals for 2013. SBMP training will resume on March 7, 2013. The ten-week training course is an opportunity for MWDBEs to learn how to do business with the MTA and how to improve their business skills.

Over \$35 million has been awarded in contracts from July 2012 to January 2013 through the SBMP. The program goal is to award \$22.5 million in contracts by July 2013. This program is attracting national attention.

Following implementation of the MTA's SBFP, MTACC awarded its first contract in April 2013 to a DBE firm for \$1.8 million. Mr. Garner thanked Michael Horodniceanu, President of MTACC and Mr. Cannon, for their efforts. Mr. Garner added that the SBMP and SBFP have empowered MWDBEs to work as prime contractors instead of being limited to working as subcontractors.

DDCR is continuing to work with Empire State Development Corporation to maximize MWBE participation goals. Currently MTA's MWBE participation rate is 22%, exceeding the Governor's goal of 20%.

The MWDBE Contract Compliance System is on track and is expected to be finalized by May 2013.

DDCR is seeking to expand MWDBE opportunities in subway, bus and rail car manufacturing. We are currently in the planning stages of implementing a mentoring program for Paratransit Service which will create a larger pool of firms which can participate in MTA's Paratransit operations.

Outreach Events/Diversity Programs

Ms. Chape reported on Outreach initiatives for the first quarter of 2013. In January, DDCR participated at the Caribbean American Chamber of Commerce and Industry Power Breakfast Meeting. DDCR also attended the 16th Annual Wall Street Project Economic Summit, at which Mr. Garner participated as a panelist on the "Parity in Public Opportunities" workshop.

In February, DDCR hosted a Small Business Federal Program Orientation Session and attended the Association of Minority Enterprises of New York's (AMENY) 37th Annual Legislative Business Development Conference as well as New York State Black and Puerto Rican Annual Legislator's Conference, in Albany, New York. In collaboration with LIRR, DDCR also participated in the LIRR's Discretionary Procurement Networking Forum. Mr. Garner thanked LIRR for conducting this event, in which over 250 firms participated. DDCR also participated in the Annual Latina Symposium.

In March of 2013, DDCR hosted a Small Business Development Training Program meeting and attended the 2013 Regional Alliance for Small Contractors Clearinghouse. DDCR is scheduled to attend the 26th Annual SOMOS Spring Conference and will host an outreach event for EE Cruz & Tully Construction.

Mr. Din introduced Ms. Moore as a new member of DDCR staff. Ms. Moore reported on diversity events. MTA HQ celebrated African American History month in February, and the Irish Heritage and Women's History Month in March. The Jewish American Heritage Month event is scheduled for April.

Certification Activity Report

Ms. Greene reported on certification activity from January through December 2012. A total of 130 new applications were received during 2012. Ms. Greene provided a comparison of the number of applications received from 2010 through 2012. Data from the previous two years shows a continued increase in the number of new applications. Chairman Ferrer asked Ms. Greene to explain the reason for the increase. Ms. Greene replied that DDCR has been conducting successful outreach. The Tappan Zee Bridge rebuilding project is also causing an increase in new certification applications. Mr. Garner added that MTA's SBMP and the SBFP are also generating interest in DBE certification.

Ms. Greene reported that during 2012, 126 applications were processed: 78 firms were certified; seven were denied certification; 30 applications were returned; and 11 were withdrawn. Ms. Greene also provided a comparison of certification application processed from 2010 through 2012. The number of applications processed in 2012 increased from 2010 and 2011. Ms. Greene added that the number of certification applications processed during 2012 was accomplished by a smaller certification staff. However, with the hiring of new staff, DDCR is now at almost full capacity.

Out of the 218 DBE firms certified between 2010 and 2012, 20 firms received a total of 39 federally funded subcontracts. Over \$23 million was awarded to these firms. There were also 14 certified DBE firms with dual M/WBE certification. These firms received 41 subcontracts on New York State funded contracts, totaling approximately \$24 million.

EEO Activity Report

Mr. Din provided an update on the year-end 2012 EEO activity. MTA and its agencies determine underutilization of minorities and women in their respective workforce by comparing the number of women and minority employees with the estimated availability in the relevant labor market based on the 2000 Census data. Employment goals are established where underutilization of women and/or minorities is identified and where vacancies are projected.

As of the end of December, 2012, women, Hispanics and employees classified as "others" are underrepresented in some of the job categories. A majority of the underrepresentation occurred in the administrative support, skilled craft and service maintenance job categories.

As of December 31, 2012, MTA and its agencies hired a total of 4,117 employees, of which 21% are women and 71% are minorities. Of the total number hired, 41% are African American and about 17% are Hispanic. B&T hired the highest percentage of women (64%) and minorities (91%).

During the reporting period, MTA and its agencies handled a total of 370 EEO complaints, with 178 filed with outside agencies and 192 filed internally. The majority of internal complaints cited race/color discrimination, miscellaneous discrimination and sexual harassment as the basis for the complaint. The majority of external complaints cited race/color discrimination, disability discrimination and miscellaneous discrimination as basis for the complaint. During the reporting period, MTA and its agencies handled 43 Title VI complaints citing 50 separate allegations. Of these 43 complaints, race discrimination was most frequently cited as the basis for the complaint.

Ms. Colon added that B&T is taking steps to recruit more women and minorities in the engineering and construction areas. The agency will be hosting a job fair for engineers on March 19, 2013. Ms. Colon added that B&T is also in the process of establishing an eligibility list for those who took the Civil Service examination in October 2012 for the entry level maintenance position.

Mr. Garner also added that the All MTA Recruitment and Sourcing Roundtable meetings will be held on a regular basis. These meetings will be coordinated with MTA Human Resources Directors in order to address underutilization of minorities and women in MTA and its agencies' workforce. Mr. Garner also welcomed Mr. Rodriguez, Mr. Cleary, Ms. Moore and Mr. Nadir to the MTA as new employees.

Small Business Mentoring Program

Mr. Cleary provided an update on the SBMP. As of January 31, 2013, 60 contracts have been awarded, totaling over \$35 million. Of these 60 contracts, 45 contracts totaling approximately \$24 million were awarded to 39 New York certified MWBE firms. Of these firms, ten are also certified DBEs. Chairman Ferrer asked whether \$24 million was awarded in one year. Mr. Din stated that that figure represents awards since Program inception on November 29, 2010. Mr. Cleary added that 160 firms have been pre-qualified and 33 firms are pending pre-qualification. Six firms have been awarded two contracts each since Program inception.

M/W/DBE Contract Compliance

Ms. Harleston reported on federal and state contract awards as of December, 2012. The overall DBE participation goal for federal fiscal year 2013, starting October 1, 2012, is 17%. Between October 2012 and December 2012, the MTA awarded over \$209 million in federally funded contracts with over \$29 million (14%) being awarded to certified DBEs. Over \$8 million was paid to a prime contractor in one completed contract, with \$1.5 million (18%) being paid to certified DBEs.

Regarding New York State funded contracts, the MTA set an overall MWBE goal of 20% for fiscal year 2012/2013. From April 2012 through December 2012, approximately \$590 million was awarded in state funded contracts with over \$154 million (26%) awarded to certified MWBEs. Over \$906 million was paid on prime contracts, with approximately \$196 million (22%) being paid to MWBEs.

Comparing payments made to MWBEs from April 2009 through December 2012, Ms. Harleston noted that participation increased in almost every fiscal year. Mr. Garner pointed out that MWBE participation in just three quarters of State fiscal year 2012/2013 was greater than during the entire fiscal year 2011/2012.

Ms. Harleston reported on discretionary procurements which include purchases of goods, miscellaneous procurements, and personal or miscellaneous services which do not exceed \$200,000 and are not federally funded. From April 2012 to December 2012, MTA and its agencies awarded over \$214 million in discretionary procurements with over \$9 million (5%) being awarded to MWBEs. Approximately 9% of NYCT's purchases were discretionary procurements.

Mr. Garner reported on financial and legal services for the period of April 2012 through December 2012. MBEs were awarded 2% in outside counsel fees, while 12% was awarded to WBEs. Mr. Garner stated that the MTA is seeking to add MWBEs or small businesses to its panel of outside counsel through a Request for Proposal process. Addition of new firms to the outside counsel panel will enable the MTA to increase awards to MWBE firms. MTA will also be seeking to increase the

number of MWBE architectural and engineering firms. Chairman Ferrer stated it is more important to see how much in fees the firms are being paid.

Mr. Garner said that MWBE participation in underwriter fees is 16%, with 13% awarded to MBEs and 3% awarded to WBEs, which is an improvement. Mr. Garner thanked Patrick McCoy, MTA Director of Finance, for his continued support in increasing MWBE participation in this area.

With respect to the MaBSTOA Pension Plan, MWBE participation is 22% and in the MTA Defined Benefit Pension Plan, MWBE participation is almost 24% within the traditional asset funds.

Mr. Garner stated that, as firms become more successful and increase their net worth, they are no longer eligible for MWBE certification. Thus, we are losing some firms. Ms. Metzger said this is a good way to lose firms. Chairman Ferrer stated that he has had some conversations with the MTA Chief Financial Officer about opening up opportunities for other MWBE underwriters and financial advisors.

Ms. Harleston reported on MWDBE participation on MTA's capital projects. During 2012, the DBE participation was almost 15%. During the same period, the MWBE participation was 31%.

Mr. Garner thanked Ms. Metzger for her leadership and for her support of the MWDBE Program. He also thanked DDCR staff for its hard work.

2013 EEO Policy Statements

Mr. Din presented the signed 2013 EEO Policy statements to the Committee. He stated that these Policies will be disseminated to employees.

Adjournment

In closing, Chairman Ferrer thanked Ms. Metzger and Mr. Bickford for their service. Upon a motion duly made and seconded, the meeting was adjourned.

Respectfully submitted,

Jeana Titre

Department of Diversity and Civil Rights



2013 Diversity Committee Work Plan

I. RECURRING AGENDA ITEMS

Responsibility

Approval of Minutes
Committee Work Plan
MTA Agency-wide Diversity, Outreach
and EEO Programs Activities
MTA DBE Certification Program Activities
M/W/DBE Contract Compliance Activities
Departmental Goals Update
Action Items (if any)

Committee Chair & Members
Committee Chair & Members

Dept. of Diversity/Civil Rights
Dept. of Diversity/Civil Rights
Dept. of Diversity/Civil Rights
Dept. of Diversity/Civil Rights
As listed

II. SPECIFIC AGENDA ITEMS

Responsibility

March 2013

Recommitment to EEO Policy Statements
2013 Departmental Goals
2012 Year-End Report on EEO

Dept. of Diversity/Civil Rights

June 2013

1st Quarter 2013 Report
Approval of MTA Agency Title VI Policies

Dept. of Diversity/Civil Rights

September 2013

2013 Mid-Year Report on EEO
Title VI Program Update
EEO Program Update

Dept. of Diversity/Civil Rights

November 2013

3rd Quarter 2013 Report
Status Report on MTA Inter-Agency
M/W/DBE Task Force
Diversity Committee Charter Review
2014 Diversity Committee Work Plan

Dept. of Diversity/Civil Rights

Committee Chair & Members

2013 Diversity Committee Work Plan

Detailed Summary

I. RECURRING

Approval of Minutes

Approval of the official proceedings of the previous month's Committee meeting.

Diversity Committee Work Plan

An update of any edits and/or changes in the work plan.

MTA Agency-wide Diversity Outreach Program Activities

The MTA Department of Diversity/Civil Rights update of planned Agency-wide Diversity and Outreach Programs activities.

MTA Agency-wide EEO Program Activities

The MTA Department of Diversity/Civil Rights update of agency-wide workforce analysis, new hires and EEO and Title VI complaints.

MTA DBE Certification Program Activities

MTA Department of Diversity/Civil Rights update of DBE Certification Program Activities.

M/W/DBE Activities

MTA Department of Diversity/Civil Rights update of M/W/DBE contract activities and program initiatives.

Departmental Goals Update

MTA Department of Diversity/Civil Rights will provide an update on Departmental goals.

Action Items

Staff summary documents presented to the Board for approval of items affecting business standards and practices.

II. SPECIFIC AGENDA ITEMS

March 2013

Recommitment to EEO Policy Statements

Each year the MTA disseminates Policy Statements addressing the Americans with Disabilities Act, Sexual and Other Discriminatory Harassment Prevention and Equal Employment Opportunity. We disseminate these Policy Statements to all MTA employees to reaffirm MTA's commitment to ensuring a work place environment free from illegal discrimination and to ensure continued compliance with all applicable laws.

Overview of MTA Department of Diversity/Civil Rights Departmental Goals

The MTA Department of Diversity/Civil Rights will present an overview of Departmental goals and objectives.

2012 Year-End Report on EEO

The Department of Diversity and Civil Rights will present an update on MTA Agency-wide EEO activities.

June 2013

1st Quarter 2013 Report

The Department of Diversity/Civil Rights will present an update on Diversity, Outreach and EEO Programs activities. The Department of Diversity/Civil Rights will also present an update on DBE Certification and M/W/DBE Contract Compliance Programs activities.

Approval of MTA Agency Title VI Policies

The Department of Diversity and Civil Rights will present MTA Agency Title VI Policies for approval of the Diversity Committee.

September 2013

Title VI Program Update

The MTA Department of Diversity/Civil Rights will present an update on the annual Title VI Program.

EEO Program Update

The MTA Department of Diversity/Civil Rights will present an update on the annual EEO Program.

2013 Mid-Year Report on EEO

The Department of Diversity/Civil Rights will present an update on Diversity, Outreach and EEO Programs activities. The Department of Diversity/Civil Rights will also present an update on DBE Certification and M/W/DBE Contract Compliance Programs activities.

November 2013

3rd Quarter 2013 Report

The Department of Diversity/Civil Rights will present an update on Diversity, Outreach and EEO Programs activities. The Department of Diversity/Civil Rights will also present an update on the activities of DBE Certification and M/W/DBE Contract Compliance Programs activities.

Status Report on MTA Inter-Agency M/W/DBE Task Force

The Department of Diversity/Civil Rights report will address progress made by the Task Force to improve M/W/DBE participation.

Diversity Committee Charter Review

The Diversity Committee will review and assess the adequacy of its charter and recommend changes as necessary.

MTA DIVERSITY COMMITTEE MEETING *A NEW DAY AT THE MTA*

June 3, 2013
2:45 P.M.



MTA Department of Diversity/Civil Rights Diversity and Outreach Report

June 3, 2013

M/W/DBE Outreach Initiatives Second Quarter 2013

April

DBE Certification Session

2013 LIC and Economic Development Conference

Long Island Forum for Technology (LIFT): How to do Business with the MTA

LIRR at Suffolk County Community College MWDBE Outreach Event

DDCR presents "New Firm Orientation Session"

NYNJ Minority Supplier Development Council, Inc. Annual Meeting

May

MTA SBMP and Carver Bank Orientation Session

MTA Small Business Federal Program Orientation Session

4th Annual MTA MWDBE Conference: Paradigm of Change

DBE Certification Session

7th Annual Citywide Procurement Fair

5th Annual MWDBE Contractors Networking Conference

June

Asian Women In Business Procurement Opportunities Conference

DBE Certification Session

New Firm Orientation Session

The Council of New York & New Jersey Minority Supplier Diversity Council, Business Opportunity Expo

La Guardia Community College Procurement Expo

MTA Agency-Wide Diversity Programs

April

MTA LIRR celebrated Women's History Month Brown Bag Luncheon
MTA HQ Diversity Council presented Jewish American Heritage Month

May

MTA HQ Diversity Council presented Asian-Pacific American Heritage Month
MTA MNR recognized Asian-Pacific American Heritage Month
MTA MNR recognized Armed Forces Day

June

MTA HQ Diversity Council presents Caribbean American Heritage Month
MTA B&T celebrates National Asian-Pacific American Heritage Month
MTA HQ, B&T, CC, MNR, NYCT & BUS celebrate National Caribbean American Heritage Month
MTA MNR celebrates Lesbian, Gay, Bisexual and Transgender Pride Month
MTA MNR celebrates Caribbean American Heritage Month

MTA Department of Diversity/Civil Rights Certification Activity Report

June 3, 2013

CERTIFICATION APPLICATIONS RECEIVED **FIRST QUARTER 2010 – 2013**

| | 2013 | 2012 | 2011 | 2010 |
|--------------|-----------|-----------|-----------|-----------|
| January | 9 | 5 | 16 | 4 |
| February | 9 | 7 | 11 | 9 |
| March | 13 | 12 | 7 | 8 |
| | | | | |
| TOTAL | 31 | 24 | 34 | 21 |

CERTIFICATION ACTIVITY FOR NEW APPLICATIONS FIRST QUARTER 2010 - 2013

| | 2013 | 2012 | 2011 | 2010 |
|-------------------|-----------|-----------|-----------|-----------|
| CERTIFIED | 12 | 14 | 15 | 9 |
| DENIED | 0 | 4 | 2 | 6 |
| RETURNED | 4 | 4 | 8 | 7 |
| INELIGIBLE | 0 | 0 | 0 | 0 |
| WITHDRAWN | 2 | 3 | 0 | 1 |
| | | | | |
| TOTAL | 18 | 25 | 25 | 23 |

CONTRACT AWARDS TO DBE FIRMS CERTIFIED 2010-2013*

- Number of DBE firms certified from 2010-2013: **230**
- Number of DBE firms certified from 2010-2013 receiving federally funded prime/subcontracts: **21**
- Number of federally funded prime/subcontracts for DBE firms certified from 2010-2013: **40**
- Total contract amount awarded to DBE firms certified from 2010-2013 on federally funded contracts: **\$ 24,902,643**

There were also **14** firms certified as DBE firms during 2010-2013 with dual M/WBE certification that received contract awards on NYS funded contracts totaling **\$23,898,218**, representing **41** prime/sub-contract awards.

Grand Total: \$48,800,861 (Federal and NYS Funded Contracts)



Metropolitan Transportation Authority

MTA DEPARTMENT OF DIVERSITY/CIVIL RIGHTS EEO ACTIVITIES – FIRST QUARTER 2013

JUNE 3, 2013

OVERVIEW

MTA and its Agencies have conducted an availability analysis of females and minorities. The availability analysis consists of comparing each agency's March 31, 2013 workforce percentages for females and minorities to 80% of the females and minorities available for work within the relevant labor market based on the Census.

The following numbers and information do not reflect availability for specific job groups. In addition, the numbers and information provided do not show statistical disparities or explain the reasons or provide a root cause analysis for any identified underutilization. Terms such as "exceed, at or below 80% of Census availability" or "underutilization" that may appear in this report do not constitute a finding or admission of unlawful discrimination. Although the MTA will use such terms in good faith in this report, it cautions that these terms should not be applied outside the report's narrow context.

SUMMARY OF FINDINGS

In general, as of March 31, 2013, females, Hispanics and employees classified as Others are underrepresented in some of the job categories at the operating agencies. A majority of the underrepresentation within these groups occurred within the Administrative Support, Skilled Craft and Service Maintenance job categories. These job categories have the highest population of employees at the operating agencies.

The following chart provides the female and minority workforce percentages for each agency, 80% of the females and minorities available for work based on the 2000 Census, by job category and whether or not the estimated availability percentages were met for females and minorities within each of the job categories.

MTA-WIDE UTILIZATION ANALYSIS

AS OF MARCH 31, 2013

| | Female* | | | Blacks | | | Hispanics | | | Asians | | | AI/AN** | | | NHOP *** | | | Other | | | |
|----------------------------|----------|--------|------------|--------|--------|------------|-----------|--------|------------|--------|--------|------------|---------|--------|------------|----------|--------|------------|-------|--------|------------|-----|
| | | | Util | | | Util | | | Util | | | Util | | | Util | | | Util | | | Util | |
| | Est | Actual | Anal | Est | Actual | Anal | Est | Actual | Anal | Est | Actual | Anal | Est | Actual | Anal | Est | Actual | Anal | Est | Actual | Anal | |
| Job Category | Avail | % | Yes/ No | Avail | % | Yes/ No | Avail | % | Yes/ No | Avail | % | Yes/ No | Avail | % | Yes/ No | Avail | % | Yes/ No | Avail | % | Yes/ No | |
| Officials & Administrators | | | | | | | | | | | | | | | | | | | | | | |
| | MTA HQ | 36% | 38% | Yes | 17% | 25% | Yes | 2% | 5% | Yes | 9% | 10% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 1% | Yes |
| | MTA B&T | 30% | 25% | No | 10% | 22% | Yes | 4% | 7% | Yes | 6% | 9% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 1% | Yes |
| | MTA MNR | 26% | 22% | No | 8% | 14% | Yes | 6% | 5% | No | 4% | 6% | Yes | 0% | 0% | Yes | 1% | 0% | No | 1% | 2% | Yes |
| | MTA LIRR | 21% | 21% | Yes | 11% | 10% | No | 6% | 7% | Yes | 4% | 4% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 2% | Yes |
| | MTA NYCT | 25% | 15% | No | 12% | 35% | Yes | 6% | 11% | Yes | 5% | 14% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 2% | Yes |
| | MTA CC | 10% | 22% | Yes | 15% | 11% | No | 11% | 6% | No | 19% | 26% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 3% | Yes |
| MTA Bus | 18% | 10% | No | 14% | 29% | Yes | 11% | 13% | Yes | 3% | 5% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 3% | Yes | |
| Professionals | | | | | | | | | | | | | | | | | | | | | | |
| | MTA HQ | 39% | 56% | Yes | 10% | 35% | Yes | 9% | 11% | Yes | 8% | 15% | Yes | 0% | 1% | Yes | 0% | 0% | Yes | 2% | 5% | Yes |
| | MTA B&T | 31% | 34% | Yes | 10% | 19% | Yes | 6% | 15% | Yes | 10% | 23% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 0% | No |
| | MTA MNR | 45% | 39% | No | 8% | 21% | Yes | 5% | 10% | Yes | 4% | 13% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 2% | Yes |
| | MTA LIRR | 20% | 20% | Yes | 10% | 12% | Yes | 7% | 8% | Yes | 6% | 16% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 3% | Yes |
| | MTA NYCT | 36% | 36% | Yes | 11% | 33% | Yes | 7% | 9% | Yes | 8% | 26% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 2% | Yes |
| | MTA CC | 19% | 35% | Yes | 4% | 26% | Yes | 4% | 4% | Yes | 4% | 39% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 0% | No |
| MTA Bus | 34% | 48% | Yes | 10% | 26% | Yes | 5% | 11% | Yes | 5% | 20% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 4% | Yes | |

*Females are also included in the percentage totals for each of the racial/ethnic groups.

**American Indian/Alaskan Native

***Native Hawaiian Other Pacific Islander

MTA-WIDE UTILIZATION ANALYSIS

AS OF MARCH 31, 2013

| Job Category | Female* | | | Blacks | | | Hispanics | | | Asians | | | AI/AN** | | | NHOPi*** | | | Other | | |
|----------------------------|---------|--------|--------------|--------|--------|--------------|-----------|--------|--------------|--------|--------|--------------|---------|--------|--------------|----------|--------|--------------|-------|--------|--------------|
| | | | Util | | | Util | | | Util | | | Util | | | Util | | | Util | | | Util |
| | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal |
| Technicians | | | | | | | | | | | | | | | | | | | | | |
| MTA HQ | 14% | 8% | No | 13% | 10% | No | 8% | 8% | Yes | 1% | 2% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 2% | Yes |
| MTA B&T | 10% | 20% | Yes | 9% | 20% | Yes | 6% | 18% | Yes | 1% | 4% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 0% | No |
| MTA MNR | 23% | 9% | No | 4% | 20% | Yes | 5% | 3% | Yes | 6% | 13% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 0% | No |
| MTA URR | 9% | 9% | Yes | 10% | 19% | Yes | 8% | 10% | Yes | 6% | 6% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 0% | No |
| MTA NYCT | 36% | 44% | Yes | 11% | 48% | Yes | 10% | 10% | Yes | 12% | 15% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 2% | Yes |
| MTA CC | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA Bus | 24% | 58% | Yes | 7% | 5% | No | 6% | 16% | Yes | 14% | 21% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 0% | No |
| Protective Services | | | | | | | | | | | | | | | | | | | | | |
| MTA HQ | 11% | 11% | Yes | 11% | 15% | Yes | 12% | 18% | Yes | 1% | 3% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 1% | Yes |
| MTA B&T | 18% | 21% | Yes | 16% | 32% | Yes | 21% | 23% | Yes | 2% | 4% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 0% | No |
| MTA MNR | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA URR | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA NYCT | 14% | 21% | Yes | 35% | 59% | Yes | 17% | 17% | Yes | 4% | 7% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 3% | 1% | No |
| MTA CC | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA Bus | 15% | 0% | No | 33% | 50.0% | Yes | 15% | 0% | No | 3% | 0% | No | 0% | 0% | Yes | 0% | 0% | Yes | 3% | 17% | Yes |

*Females are also included in the percentage totals for each of the racial/ethnic groups.

**American Indian/Alaskan Native

***Native Hawaiian Other Pacific Islander

MTA-WIDE UTILIZATION ANALYSIS

AS OF MARCH 31, 2013

| Job Category | Female* | | | Blacks | | | Hispanics | | | Asians | | | AI/AN** | | | NHOPi*** | | | Other | | |
|-------------------------------|---------|--------|--------------|--------|--------|--------------|-----------|--------|--------------|--------|--------|--------------|---------|--------|--------------|----------|--------|--------------|-------|--------|--------------|
| | | | Util | | | Util | | | Util | | | Util | | | Util | | | Util | | | Util |
| | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal |
| Para-Professionals | | | | | | | | | | | | | | | | | | | | | |
| MTA HQ | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA B&T | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA MNR | 59% | 58% | No | 10% | 11% | Yes | 7% | 5% | No | 3% | 16% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 0% | No |
| MTA URR | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA NYCT | 52% | 53% | Yes | 13% | 60% | Yes | 10% | 21% | Yes | 4% | 4% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 0% | No |
| MTA CC | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA Bus | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| Administrative Support | | | | | | | | | | | | | | | | | | | | | |
| MTA HQ | 67% | 77% | Yes | 18% | 49% | Yes | 16% | 17% | Yes | 5% | 2% | No | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 3% | Yes |
| MTA B&T | 61% | 57% | No | 18% | 58% | Yes | 19% | 26% | Yes | 4% | 1% | No | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 0% | No |
| MTA MNR | 59% | 45% | No | 14% | 33% | Yes | 11% | 12% | Yes | 4% | 4% | Yes | 0% | 1% | Yes | 0% | 0% | Yes | 1% | 2% | Yes |
| MTA URR | 35% | 50% | Yes | 19% | 28% | Yes | 11% | 9% | No | 3% | 3% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 3% | Yes |
| MTA NYCT | 57% | 43% | No | 22% | 59% | Yes | 20% | 14% | No | 7% | 14% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 3% | 1% | No |
| MTA CC | 67% | 100% | Yes | 17% | 33% | Yes | 16% | 33% | Yes | 4% | 0% | No | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 0% | No |
| MTA Bus | 60% | 52% | No | 21% | 32% | Yes | 19% | 13% | No | 7% | 6% | No | 0% | 0% | Yes | 0% | 0% | Yes | 3% | 8% | Yes |

*Females are also included in the percentage totals for each of the racial/ethnic groups.

**American Indian/Alaskan Native

***Native Hawaiian Other Pacific Islander

MTA-WIDE UTILIZATION ANALYSIS

AS OF MARCH 31, 2013

| Job Category | Female* | | | Blacks | | | Hispanics | | | Asians | | | AI/AN** | | | NHOP*** | | | Other | | |
|----------------------------|---------|--------|--------------|--------|--------|--------------|-----------|--------|--------------|--------|--------|--------------|---------|--------|--------------|---------|--------|--------------|-------|--------|--------------|
| | | | Util | | | Util | | | Util | | | Util | | | Util | | | Util | | | Util |
| | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal | Est | Actual | Yes/ Anal |
| | Avail | % | No | Avail | % | No | Avail | % | No | Avail | % | No | Avail | % | No | Avail | % | No | Avail | % | No |
| Skilled Craft | | | | | | | | | | | | | | | | | | | | | |
| MTA HQ | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA B&T | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA MNR | 7% | 6% | No | 21% | 17% | No | 15% | 7% | No | 6% | 2% | No | 0% | 0% | Yes | 0% | 0% | Yes | 1% | 1% | Yes |
| MTA URR | 8% | 10% | Yes | 16% | 17% | Yes | 11% | 10% | No | 3% | 2% | No | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 1% | No |
| MTA NYCT | 13% | 5% | No | 25% | 40% | Yes | 14% | 11% | No | 10% | 13% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 1% | No |
| MTA CC | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA Bus | 2% | 1.0% | No | 21% | 28% | Yes | 25% | 13% | No | 6% | 9.0% | Yes | 0% | 0% | Yes | 0% | 2% | Yes | 6% | 4% | No |
| Service Maintenance | | | | | | | | | | | | | | | | | | | | | |
| MTA HQ | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA B&T | 2% | 1% | No | 14% | 14% | Yes | 18% | 12% | No | 2% | 4% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 0% | No |
| MTA MNR | 12% | 13% | Yes | 16% | 35% | Yes | 13% | 16% | Yes | 4% | 1% | No | 1% | 0% | No | 0% | 0% | Yes | 1% | 1% | Yes |
| MTA URR | 17% | 20% | Yes | 19% | 27% | Yes | 19% | 14% | No | 2% | 2% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 3% | Yes |
| MTA NYCT | 19% | 18% | No | 28% | 57% | Yes | 30% | 20% | No | 3% | 5% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 3% | 1% | No |
| MTA CC | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes | 0% | 0% | Yes |
| MTA Bus | 10% | 12% | Yes | 26% | 51% | Yes | 26% | 21% | No | 7% | 4% | No | 0% | 0% | Yes | 0% | 0% | Yes | 2% | 3% | Yes |

*Females are also included in the percentage totals for each of the racial/ethnic groups.

**American Indian/Alaskan Native

***Native Hawaiian Other Pacific Islander

MTA-Wide New Hires

January 1, 2013 to March 31, 2013

- ❖ Between January 1, 2013 and March 31, 2013, MTA and its Agencies hired a total of 1,228 employees.
- ❖ 20.6% of the total new hires are females.
- ❖ 70.9% of the total new hires are minorities.
- ❖ Of the 70.9% of minorities* hired, 44% are black and 19% are Hispanic.
- ❖ MTA HQ hired the highest percentage of females (54.8%).
- ❖ MTA Bus hired the highest percentage of minorities (93.3%).

*Females are included in each of the minority groups.

MTA-WIDE NEW HIRES

January 1, 2013 to March 31, 2013

TOTAL NEW HIRES

AGENCY: MTA-WIDE

| AGENCY | New Hires | Females* | | Minorities | | Non-Minorities | | Blacks | | Hispanics | | Asians | | AI/ANs | | NHOP | | Other | |
|----------|-----------|----------|-------|------------|-------|----------------|--------|--------|-------|-----------|-------|--------|-------|--------|------|------|------|-------|------|
| | | # | % | # | % | # | % | # | % | # | % | # | % | # | % | # | % | # | % |
| MTA HQ | 42 | 23 | 54.8% | 26 | 55.1% | 16 | 44.9% | 38 | 90.5% | 8 | 11.4% | 1 | 2.4% | 0 | 0.0% | 0 | 0.0% | 1 | 2.4% |
| MTA B&T | 2 | 0 | 0.0% | 0 | 0.0% | 2 | 100.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| MTA MNR | 115 | 14 | 12.2% | 42 | 34.4% | 73 | 65.6% | 16 | 13.9% | 20 | 17.4% | 4 | 3.5% | 0 | 0.0% | 0 | 0.0% | 2 | 1.7% |
| MTA LIRR | 147 | 18 | 12.2% | 64 | 47.5% | 83 | 52.5% | 22 | 15.0% | 27 | 18.4% | 8 | 5.4% | 1 | 0.7% | 0 | 0.0% | 6 | 4.1% |
| MTA NYCT | 843 | 187 | 21.0% | 668 | 79.0% | 175 | 21.0% | 424 | 47.0% | 152 | 17.0% | 79 | 13.0% | 1 | 0.1% | 0 | 0.0% | 12 | 2.0% |
| MTA CC | 4 | 1 | 25.0% | 1 | 25.0% | 3 | 75.0% | 0 | 0.0% | 0 | 0.0% | 1 | 25.0% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| MTA BUS | 75 | 10 | 13.3% | 70 | 93.3% | 5 | 6.7% | 40 | 53.3% | 27 | 36.0% | 1 | 1.3% | 0 | 0.0% | 0 | 0.0% | 2 | 2.7% |
| Total: | 1228 | 253 | 20.6% | 871 | 70.9% | 357 | 29.1% | 540 | 44.0% | 234 | 19.1% | 94 | 7.7% | 2 | 0.2% | 0 | 0.0% | 23 | 1.9% |

*Females are also included in the percentage totals for each of the racial/ethnic groups.

EEO/TITLE VI COMPLAINTS

- Between January and March 2013, MTA and its agencies handled a total of 258 EEO complaints, citing 413 separate allegations. *
- Of the 258 complaints, 145 were filed externally at city, state and federal agencies and 113 were filed internally.
- Of the 145 external complaints, disability (23%), other** types of miscellaneous discrimination (22%), and race/color discrimination (19%) were most frequently cited as the basis for the complaint.
- Of the 113 internal complaints, other** types of miscellaneous discrimination (20%), sexual harassment (23%) and race/color (23%) were most frequently cited as the basis for the complaint.
- Between January and March 2013, MTA and its agencies handled a total of 27 Title VI complaints, citing 27 separate allegations. Of these 27 complaints, race discrimination (70%) was most frequently cited as the basis of the complaint.

*These complaints include those filed prior to the reporting period, and which remained open.

** "Other" may include, among other things, allegations of retaliation and unlawful discrimination based on military or marital status, sexual orientation, or arrest/conviction record.

MTA-WIDE EEO/TITLE VI COMPLAINTS

As of March 31, 2013

EEO DISCRIMINATION COMPLAINTS EXTERNAL

| AGENCY | RACE COLOR | SEXUAL HARASS. | AGE | GENDER | RELIGION | NATIONAL ORIGIN | DISABILITY | OTHER** | TOTAL ISSUES | TOTAL CASES*** | STATUS STATUS OPEN |
|--------------|---------------|-------------------|-----------|-----------|-----------|--------------------|------------|-----------|-----------------|-------------------|-----------------------|
| MTA | 4 | 0 | 1 | 3 | 3 | 2 | 2 | 3 | 16 | 8 | 8 |
| B&T | 2 | 0 | 1 | 3 | 0 | 0 | 3 | 4 | 13 | 7 | 5 |
| MNR | 5 | 1 | 1 | 1 | 0 | 2 | 2 | 4 | 16 | 11 | 9 |
| LIRR | 4 | 0 | 2 | 2 | 1 | 2 | 1 | 1 | 13 | 7 | 3 |
| NYCT | 34 | 3 | 20 | 22 | 8 | 15 | 47 | 43 | 193 | 108 | 108 |
| CC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MTA BUS | 1 | 0 | 0 | 1 | 0 | 0 | 3 | 1 | 6 | 4 | 4 |
| TOTAL | 50 | 4 | 25 | 32 | 12 | 21 | 58 | 57 | 257 | 145 | 137 |
| | 19% | 2% | 10% | 12% | 5% | 8% | 13% | 22% | | | |

EEO DISCRIMINATION COMPLAINTS INTERNAL

| AGENCY | RACE COLOR | SEXUAL HARASS. | AGE | GENDER | RELIGION | NATIONAL ORIGIN | DISABILITY | OTHER** | TOTAL ISSUES | TOTAL CASES*** | STATUS STATUS OPEN |
|--------------|---------------|-------------------|----------|-----------|----------|--------------------|------------|-----------|-----------------|-------------------|-----------------------|
| MTA | 3 | 3 | 1 | 3 | 0 | 1 | 0 | 2 | 13 | 9 | 6 |
| B&T | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 2 | 2 | 0 |
| MNR | 3 | 4 | 2 | 1 | 0 | 2 | 0 | 3 | 15 | 11 | 7 |
| LIRR | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 2 | 5 | 5 | 0 |
| NYCT | 27 | 28 | 6 | 16 | 5 | 10 | 3 | 24 | 119 | 84 | 83 |
| CC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MTA BUS | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 2 |
| TOTAL | 36 | 36 | 9 | 21 | 5 | 14 | 4 | 31 | 156 | 113 | 98 |
| | 23% | 23% | 6% | 13% | 3% | 9% | 3% | 20% | | | |

TITLE VI COMPLAINTS

| AGENCY | RACE | COLOR | NATIONAL ORIGIN | INCOME | TOTAL ISSUES | TOTAL CASES*** | STATUS OPEN |
|--------------|-----------|----------|--------------------|----------|-----------------|-------------------|----------------|
| MTA | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MTA MNR | 4 | 0 | 0 | 0 | 4 | 4 | 1 |
| MTA LIRR | 3 | 0 | 0 | 0 | 3 | 3 | 3 |
| MTA NYC | 12 | 1 | 5 | 0 | 18 | 18 | 17 |
| MTA CC | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MTA BUS | 0 | 0 | 2 | 0 | 2 | 2 | 2 |
| TOTAL | 19 | 1 | 7 | 0 | 27 | 27 | 23 |
| | 70% | 4% | 26% | 0% | | | |

*These complaints include those files prior to the reporting period, and which remained open.

***"Other" may include allegations of unlawful discrimination based on military status, sexual orientation, marital status, arrest/conviction record or retaliation.

***In some instances a single complaint involved two or more protected categories.

MTA-WIDE EEO/TITLE VI COMPLAINT DISPOSITION – FIRST QUARTER 2013

EEO DISCRIMINATION COMPLAINTS EXTERNAL

| MTA AGENCY | REASONABLE CAUSE | NO REASONABLE CAUSE | ADMINISTRATIVE CLOSURE | WITHDRAWN | DISMISSAL | RESOLVED/ SETTLEMENT | TOTAL CASES |
|------------|---------------------|---------------------------|---------------------------|-----------|-----------|-------------------------|-------------|
| MTA HQ | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| B&T | 1 | 0 | 1 | 0 | 0 | 1 | 2 |
| MNR | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| LIRR | 0 | 0 | 0 | 0 | 4 | 0 | 4 |
| NYCT | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CC | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MTA BUS | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | | | | | | | 8 |

EEO DISCRIMINATION COMPLAINTS INTERNAL

| MTA AGENCY | REASONABLE CAUSE | NO REASONABLE CAUSE | ADMINISTRATIVE CLOSURE | WITHDRAWN | DISMISSAL | RESOLVED/ SETTLEMENT | TOTAL CASES |
|------------|---------------------|---------------------------|---------------------------|-----------|-----------|-------------------------|-------------|
| MTA HQ | 0 | 3 | 0 | 0 | 0 | 0 | 3 |
| B&T | 2 | 0 | 0 | 0 | 0 | 2 | 2 |
| MNR | 0 | 1 | 3 | 0 | 0 | 0 | 4 |
| LIRR | 1 | 4 | 0 | 0 | 0 | 1 | 5 |
| NYCT | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| CC | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MTA BUS | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | | | | | | | 15 |

TITLE VI COMPLAINTS

| MTA AGENCY | REASONABLE CAUSE | NO REASONABLE CAUSE | ADMINISTRATIVE CLOSURE | WITHDRAWN | DISMISSAL | RESOLVED/ SETTLEMENT | TOTAL CASES |
|------------|---------------------|---------------------------|---------------------------|-----------|-----------|-------------------------|-------------|
| MTA HQ | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| B&T | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MNR | 0 | 3 | 0 | 0 | 0 | 0 | 3 |
| LIRR | 0 | 3 | 0 | 0 | 0 | 0 | 3 |
| NYCT | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| CC | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MTA BUS | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | | | | | | | 7 |

MTA SMALL BUSINESS MENTORING PROGRAM UPDATE

June 3, 2013

MTA Small Business Mentoring Program Update

as of March 31, 2013

- **Since November 2010, when the Small Business Mentoring Program commenced, a total of 64 contracts have been awarded, totaling \$36 million.**
- **Forty-eight of these contracts were awarded to 40 New York State certified M/WBE firms,* totaling over \$26 million.**
- **Of these 40 M/WBE firms, 13 are also certified DBEs.**
- **160 firms have been pre-qualified.**
- **33 firms are pending pre-qualification.**
- **A total of 13 loans have been approved/closed, totaling \$1,275,000. In addition, participating firms can now apply for small business loans up to \$450,000 per contract.**

***Nine firms were awarded two contracts each.**

MTA SMALL BUSINESS FEDERAL PROGRAM UPDATE

June 3, 2013

MTA Small Business Federal Program Update as of March 31, 2013

- **Since Program inception in March 2013, one project has been awarded, totaling \$1.9 million.**
- **Project was awarded to a MTA certified Disadvantaged Business Enterprise (“DBE”).**
- **Eight firms have been prequalified, and two are pending prequalification.**
- **Participating firms can now apply for loans up to \$900,000 per contract.**
- **A Surety Bond Assistance Program has recently been finalized with Willis/Hanover. Participating firms are now eligible for surety bond assistance up to \$3 million.**



Metropolitan Transportation Authority

**M/W/DBE CONTRACT COMPLIANCE
ALL PROJECTS
First Quarter 2013**

June 3, 2013

DBE Participation in Federally Funded Contracts
Federal Fiscal Year 2013*
(October 1, 2012 to September 30, 2013)

- Each year MTA reports to the Federal Transit Administration on a semi-annual basis DBE participation in federally funded contracts.
- Reports are submitted on June 1st -- covering October through March, and December 1st -- covering April through September. The December report also summarizes data for the entire federal fiscal year ("FFY").
- Reports include data on DBE participation in new awards and payments on completed contracts.
- For FFY 2013, MTA set an overall DBE goal of 17%.
- From October 2012 through March 2013, over \$845 million was awarded as the federally-funded portion of contracts, with \$107.5 million (13%) being awarded to certified DBEs.
- For the same period, over \$586 million was paid to prime contractors, with payments to certified DBEs totaling \$62.5 million (11%).

* Dollar amounts represent the federally-funded portion of contracts.

**FEDERALLY-FUNDED CONTRACTS
DBE CONTRACT ACTIVITY
(OCTOBER 2012-MARCH 2013)**

AWARDS*

| CONTRACT AWARDS | PRIME AWARDS | | DBE PARTICIPATION | | | OVERALL FTA GOAL |
|---|------------------------|----------------------|-------------------------------|----------------------|----------------------|------------------------|
| | Number of Contracts | Award Amount | Number of DBE Contracts | DBE Award Amount | % To Agency Total | |
| 1st SEMI-ANNUAL REPORT October 2012 - March 2013 | 30 | \$845,238,320 | 123 | \$107,507,346 | 13% | 17% |
| 2nd SEMI-ANNUAL REPORT April 2013 - September 2013 | | | | | | |
| TOTAL | 30 | \$845,238,320 | 123 | \$107,507,346 | 13% | 17% |

PAYMENTS

| CONTRACT PAYMENTS | PAYMENTS TO PRIMES | | DBE PARTICIPATION | | | OVERALL FTA GOAL |
|---|--------------------------|----------------------|---------------------------------|-----------------------|----------------------|------------------------|
| | Number of Contracts** | Payment Amount | Number of Subcontracts ** | DBE Payment Amount | % To Agency Total | |
| 1st SEMI-ANNUAL REPORT October 2012 - March 2013 | 261 | \$586,192,865 | 1,710 | \$62,515,499 | 11% | 17% |
| 2nd SEMI-ANNUAL REPORT April 2013 - September 2013 | | | | | | |
| TOTAL | 261 | \$586,192,865 | 1,710 | \$62,515,499 | 11% | 17% |

* Dollar amounts represent the federally-funded portion of contracts.

** Includes all vendors with and without payments

DBE CONTRACT AWARDS
FEDERAL FISCAL YEAR 2010
October 2009 - September 2010

| | Total Awards | Total DBE Awards | DBE% |
|-----------------------------|----------------------|---------------------|------------|
| October 2009 - March 2010 | \$248,868,126 | \$32,158,396 | 13% |
| April 2010 - September 2010 | \$376,442,431 | \$42,261,861 | 11% |
| Total 2010 | \$625,310,557 | \$74,420,257 | 12% |

DBE CONTRACT AWARDS
FEDERAL FISCAL YEAR 2011
October 2010 - September 2011

| | Total Awards | Total DBE Awards | DBE% |
|-----------------------------|----------------------|----------------------|------------|
| October 2010 - March 2011 | \$747,606,517 | \$79,800,552 | 11% |
| April 2011 - September 2011 | \$210,145,463 | \$24,262,919 | 12% |
| Total 2011 | \$957,751,980 | \$104,063,471 | 11% |

DBE CONTRACT AWARDS
FEDERAL FISCAL YEAR 2012
October 2011 - September 2012

| | Total Awards | Total DBE Awards | DBE% |
|-----------------------------|----------------------|---------------------|------------|
| October 2011 - March 2012 | \$307,074,469 | \$34,327,000 | 11% |
| April 2012 - September 2012 | \$156,564,018 | \$21,416,153 | 14% |
| Total 2012 | \$463,638,487 | \$55,743,153 | 12% |

DBE CONTRACT AWARDS
FEDERAL FISCAL YEAR 2013
October 2012 - March 2013

| | Total Awards | Total DBE Awards | DBE% |
|---------------------------|----------------------|----------------------|------------|
| October 2012 - March 2013 | \$845,238,320 | \$107,507,346 | 13% |
| Total 2013 | \$845,238,320 | \$107,507,346 | 13% |

DBE CONTRACT PAYMENTS

FEDERAL FISCAL YEAR 2010

October 2009 - September 2010

| | Total Prime Payments | Total DBE Payments | DBE% |
|-----------------------------|------------------------|----------------------|------------|
| October 2009 - March 2010 | \$4,872,416,591 | \$606,054,860 | 12% |
| April 2010 - September 2010 | \$524,486,027 | \$59,872,171 | 11% |
| Total 2010 | \$5,396,902,618 | \$665,927,031 | 12% |

DBE CONTRACT PAYMENTS

FEDERAL FISCAL YEAR 2011

October 2010 - September 2011

| | Total Prime Payments | Total DBE Payments | DBE% |
|-----------------------------|------------------------|----------------------|------------|
| October 2010 - March 2011 | \$601,662,839 | \$85,665,553 | 14% |
| April 2011 - September 2011 | \$754,426,914 | \$87,309,466 | 12% |
| Total 2011 | \$1,356,089,753 | \$172,975,019 | 13% |

DBE CONTRACT PAYMENTS

FEDERAL FISCAL YEAR 2012

October 2011 - September 2012

| | Total Prime Payments | Total DBE Payments | DBE% |
|-----------------------------|------------------------|----------------------|------------|
| October 2011 - March 2012 | \$652,219,929 | \$100,229,968 | 15% |
| April 2012 - September 2012 | \$812,570,064 | \$90,441,254 | 11% |
| Total 2012 | \$1,464,789,993 | \$190,671,222 | 13% |

DBE CONTRACT PAYMENTS

FEDERAL FISCAL YEAR 2013

October 2012 - March 2013

| | Total Prime Payments | Total DBE Payments | DBE% |
|---------------------------|----------------------|---------------------|------------|
| October 2012 - March 2013 | \$586,192,865 | \$62,515,499 | 11% |
| Total 2013 | \$586,192,865 | \$62,515,499 | 11% |

**New York State Fiscal Year 2012-2013
(April 2012 to March 2013)**

- Each year MTA reports to the Empire State Development Corporation on a quarterly basis MWBE participation on state funded contracts.
- Reports are submitted 15 days after the end of each quarter, on January 15th, April 15th, July 15th, and October 15th.
- Reports include data on contracts with goals and MWBE contract payments.
- MTA established an overall MWBE goal of 20% for state fiscal year 2012-2013, starting on April 1, 2012.
- During NY state fiscal year 2012/2013, over \$718 million was awarded in NY state funded contracts, with approximately \$205 million (29%) awarded to certified MWBEs.
- For the same period, over \$1 billion was paid on prime contracts with \$261 million (22%) paid to MWBEs.

NYS CONTRACTS MWBE CONTRACT ACTIVITY
APRIL 2012 – MARCH 2013

AWARDS

| CONTRACT AWARDS | PRIME AWARDS | | MWBE AWARDS | | | NYS Goal |
|-----------------------------------|---------------------|--------------------|------------------------|--------------------|------------|------------|
| | Number of Contracts | Award Amount | Number of Subcontracts | MWBE Award Amount | MWBE % | |
| FIRST QUARTER | 555 | \$127,257,440 | 600 | \$39,130,564 | 31% | 20% |
| APRIL 2012-JUNE 2012 | | | | | | |
| SECOND QUARTER | 469 | \$215,936,782 | 535 | \$46,701,986 | 22% | 20% |
| JULY 2012-SEPTEMBER 2012 | | | | | | |
| THIRD QUARTER | 527 | \$246,752,496 | 607 | \$68,224,302 | 28% | 20% |
| OCTOBER 2012-DECEMBER 2012 | | | | | | |
| FORTH QUARTER | 646 | \$128,226,362 | 705 | \$50,821,779 | 40% | 20% |
| JANUARY 2013-MARCH 2013 | | | | | | |
| TOTAL | 2,197 | 718,173,079 | 2,447 | 204,878,631 | 29% | 20% |

PAYMENTS

| CONTRACT PAYMENTS | PAYMENTS TO PRIMES | | MWBE PARTICIPATION | | | NYS Goal |
|-----------------------------------|---------------------|----------------------|-----------------------|----------------------|------------|------------|
| | Number of Contracts | Payment Amount | Number MWBE Contracts | MWBE Payment Amount* | MWBE % | |
| FIRST QUARTER | 690 | \$359,164,512 | 966 | \$65,867,316 | 18% | 20% |
| APRIL 2012-JUNE 2012 | | | | | | |
| SECOND QUARTER | 766 | \$279,965,925 | 1,094 | \$65,991,146 | 24% | 20% |
| JULY 2012-SEPTEMBER 2012 | | | | | | |
| THIRD QUARTER | 791 | \$267,401,199 | 1,077 | \$64,107,258 | 24% | 20% |
| OCTOBER 2012-DECEMBER 2012 | | | | | | |
| FORTH QUARTER | 1,271 | \$303,256,314 | 1,857 | \$65,245,066 | 22% | 20% |
| JANUARY 2013-MARCH 2013 | | | | | | |
| TOTAL | 3,518 | 1,209,787,949 | 4,994 | 261,210,785 | 22% | 20% |

*This amount includes payments made to MWBE prime and subcontractors.

FY 2009- 2010 MWBE AWARDS

April 2009 - March 2010

| | AGENCY | AGENCY PRIME AWARDS | MBE AWARDS | MBE% | WBE AWARDS | WBE % | Total M/WBE | Total M/WBE % |
|---------------|--------|---------------------------|------------------------|-----------|------------------------|-----------|-------------------------|---------------|
| QTR. 1 | MTA | \$1,033,818,105.35 | \$41,231,097.89 | 4% | \$15,001,630.02 | 1% | \$56,232,727.91 | 5% |
| QTR. 2 | MTA | \$1,539,278,763.23 | \$7,582,149.87 | 0% | \$4,528,573.72 | 0% | \$12,110,723.59 | 1% |
| QTR. 3 | MTA | \$1,414,452,956.34 | \$10,715,264.83 | 1% | \$12,377,265.10 | 1% | \$23,092,529.93 | 2% |
| QTR. 4 | MTA | \$541,668,943.77 | \$6,745,354.15 | 1% | \$3,439,015.05 | 1% | \$10,184,369.20 | 2% |
| TOTALS | | \$4,529,218,768.69 | \$66,273,866.74 | 1% | \$35,346,483.89 | 1% | \$101,620,350.63 | 2% |

FY 2010 - 2011 MWBE AWARDS

April 2010 - March 2011

| | AGENCY | AGENCY PRIME AWARDS | MBE AWARDS | MBE% | WBE AWARDS | WBE % | Total M/WBE | Total M/WBE % |
|---------------|--------|---------------------------|-------------------------|-----------|------------------------|-----------|-------------------------|---------------|
| QTR. 1 | MTA | \$297,041,320.00 | \$20,706,207.93 | 7% | \$5,209,733.93 | 2% | \$25,915,941.86 | 9% |
| QTR. 2 | MTA | \$917,140,458.07 | \$23,821,940.07 | 3% | \$22,300,092.39 | 2% | \$46,122,032.46 | 5% |
| QTR. 3 | MTA | \$385,554,535.14 | \$12,956,724.39 | 3% | \$7,437,970.04 | 2% | \$20,394,694.43 | 5% |
| QTR. 4 | MTA | \$2,472,567,055.91 | \$48,452,610.07 | 2% | \$34,764,694.97 | 1% | \$83,217,305.04 | 3% |
| TOTALS | | \$4,072,303,369.12 | \$105,937,482.46 | 3% | \$69,712,491.33 | 2% | \$175,649,973.79 | 4% |

FY 2011 - 2012 MWBE AWARDS

April 2011 - March 2012

| | AGENCY | AGENCY PRIME AWARDS | MBE AWARDS | MBE% | WBE AWARDS | WBE % | Total M/WBE | Total M/WBE % |
|---------------|--------|---------------------------|-------------------------|-----------|------------------------|-----------|-------------------------|---------------|
| QTR. 1 | MTA | \$366,342,216.15 | \$12,418,881.74 | 3% | \$6,861,257.88 | 2% | \$19,280,139.62 | 5% |
| QTR. 2 | MTA | \$360,271,682.25 | \$17,787,465.35 | 5% | \$11,549,549.71 | 3% | \$29,337,015.06 | 8% |
| QTR. 3 | MTA | \$1,032,607,348.91 | \$67,793,667.99 | 7% | \$44,284,801.56 | 4% | \$112,078,469.55 | 11% |
| QTR. 4 | MTA | \$79,386,110.72 | \$4,205,168.61 | 5% | \$2,830,735.04 | 4% | \$7,035,903.65 | 9% |
| TOTALS | | \$1,838,607,358.03 | \$102,205,183.69 | 6% | \$65,526,344.19 | 4% | \$167,731,527.88 | 9% |

FY 2012 - 2013 MWBE AWARDS

April 2012 - March 2013

| | AGENCY | AGENCY PRIME AWARDS | MBE AWARDS | MBE% | WBE AWARDS | WBE % | Total M/WBE | Total M/WBE % |
|---------------|--------|-------------------------|-------------------------|------------|------------------------|------------|-------------------------|---------------|
| QTR. 1 | MTA | \$127,257,439.59 | \$20,261,495.39 | 16% | \$18,869,068.95 | 15% | \$39,130,564.34 | 31% |
| QTR. 2 | MTA | \$215,936,782.18 | \$25,266,811.23 | 12% | \$21,435,174.37 | 10% | \$46,701,985.60 | 22% |
| QTR. 3 | MTA | \$246,752,495.71 | \$39,483,610.43 | 16% | \$28,740,691.79 | 12% | \$68,224,302.22 | 28% |
| QTR. 4 | MTA | \$128,226,361.58 | \$28,785,207.73 | 22% | \$22,036,570.88 | 17% | \$50,821,778.61 | 40% |
| TOTALS | | \$718,173,079.06 | \$113,797,124.78 | 16% | \$91,081,505.99 | 13% | \$204,878,630.77 | 29% |

FY 2009- 2010 MWBE PAYMENTS

April 2009 - March 2010

| | AGENCY | AGENCY EXPENDICTURE | MBE Utilization | MBE% | WBE Utilization | WBE % | Total M/WBE | Total M/WBE % |
|---------------|--------|---------------------------|------------------------|-----------|------------------------|-----------|-------------------------|---------------|
| QTR. 1 | MTA | \$382,669,490.62 | \$13,773,909.62 | 4% | \$9,240,401.08 | 2% | \$23,014,310.70 | 6% |
| QTR. 2 | MTA | \$393,033,477.22 | \$14,069,415.72 | 4% | \$20,421,084.73 | 5% | \$34,490,500.45 | 9% |
| QTR. 3 | MTA | \$469,871,392.80 | \$19,105,078.35 | 4% | \$10,304,934.97 | 2% | \$29,410,013.32 | 6% |
| QTR. 4 | MTA | \$432,322,534.77 | \$11,598,278.58 | 3% | \$9,754,557.34 | 2% | \$21,352,835.92 | 5% |
| TOTALS | | \$1,677,896,895.41 | \$58,546,682.27 | 3% | \$49,720,978.12 | 3% | \$108,267,660.39 | 6% |

FY 2010 - 2011 MWBE PAYMENTS

April 2010 - March 2011

| | AGENCY | AGENCY EXPENDICTURE | MBE Utilization | MBE% | WBE Utilization | WBE % | Total M/WBE | Total M/WBE % |
|---------------|--------|---------------------------|------------------------|-----------|------------------------|-----------|-------------------------|---------------|
| QTR. 1 | MTA | \$414,102,581.35 | \$15,612,913.87 | 4% | \$14,763,548.46 | 4% | \$30,376,462.33 | 7% |
| QTR. 2 | MTA | \$424,177,910.35 | \$14,061,508.46 | 3% | \$9,170,294.18 | 2% | \$23,231,802.64 | 5% |
| QTR. 3 | MTA | \$542,212,151.16 | \$24,538,471.02 | 5% | \$13,589,937.39 | 3% | \$38,128,408.41 | 7% |
| QTR. 4 | MTA | \$461,104,816.60 | \$15,032,845.43 | 3% | \$8,214,176.56 | 2% | \$23,247,021.99 | 5% |
| TOTALS | | \$1,841,597,459.45 | \$69,245,738.78 | 4% | \$45,737,956.59 | 2% | \$114,983,695.37 | 6% |

FY 2011 - 2012 MWBE PAYMENTS

April 2011 - March 2012

| | AGENCY | AGENCY EXPENDICTURE | MBE Utilization | MBE% | WBE Utilization | WBE % | Total M/WBE | Total M/WBE % |
|---------------|--------|---------------------------|------------------------|-----------|------------------------|-----------|-------------------------|---------------|
| QTR. 1 | MTA | \$209,773,476.37 | \$21,098,721.89 | 10% | \$9,293,370.71 | 4% | \$30,392,092.60 | 14% |
| QTR. 2 | MTA | \$253,958,630.00 | \$17,459,063.82 | 7% | \$16,619,780.35 | 7% | \$34,078,844.17 | 13% |
| QTR. 3 | MTA | \$338,892,027.99 | \$21,567,860.35 | 6% | \$20,427,398.26 | 6% | \$41,995,258.61 | 12% |
| QTR. 4 | MTA | \$271,257,277.77 | \$23,657,516.59 | 9% | \$28,459,076.23 | 10% | \$52,116,592.82 | 19% |
| TOTALS | | \$1,073,881,412.13 | \$83,783,162.65 | 8% | \$74,799,625.55 | 7% | \$158,582,788.20 | 15% |

FY 2012 - 2013 MWBE PAYMENTS

April 2012 - March 2013

| | AGENCY | AGENCY EXPENDICTURE | MBE Utilization | MBE% | WBE Utilization | WBE % | Total M/WBE | Total M/WBE % |
|---------------|--------|---------------------------|-------------------------|------------|-------------------------|------------|-------------------------|---------------|
| QTR. 1 | MTA | \$359,164,511.76 | \$30,152,592.82 | 8% | \$35,714,722.73 | 10% | \$65,867,315.55 | 18% |
| QTR. 2 | MTA | \$279,965,924.79 | \$33,642,857.51 | 12% | \$32,348,288.72 | 12% | \$65,991,146.23 | 24% |
| QTR. 3 | MTA | \$267,401,198.55 | \$37,756,662.97 | 14% | \$26,350,594.79 | 10% | \$64,107,257.76 | 24% |
| QTR. 4 | MTA | \$303,256,313.54 | \$34,305,801.85 | 11% | \$30,939,263.99 | 10% | \$65,245,065.84 | 22% |
| TOTALS | | \$1,209,787,948.63 | \$135,857,915.15 | 11% | \$125,352,870.23 | 10% | \$261,210,785.37 | 22% |

**MTA ALL AGENCY
DISCRETIONARY PROCUREMENT REPORT***

April 2012 -March 2013

| Agency | Total Award Amount** | Total MWBE Award Amount | % To Total Award | MWBE . Discretionary Award | % To Total Award |
|--------------------|---------------------------------|------------------------------------|-----------------------------|---------------------------------------|-----------------------------|
| MTA NYCTA | \$167,261,959 | \$15,943,532 | 10.00% | \$10,969,229 | 7.00% |
| MTA MNR | \$46,520,817 | \$3,655,297 | 8.00% | \$647,107 | 1.00% |
| MTA B&T | \$6,830,835 | \$951,806 | 14.00% | \$117,155 | 2.00% |
| MTA LIRR | \$42,503,471 | \$3,582,907 | 8.00% | \$1,614,350 | 4.00% |
| MTA HQ | \$8,958,222 | \$808,197 | 9.00% | \$203,608 | 2.00% |
| MTA CC | \$690,785 | \$66,787 | 10.00% | \$14,939 | 2.00% |
| MTA BUS | \$21,902,970 | \$494,266 | 2.00% | \$34,733 | 0.00% |
| | | | | | |
| Total | \$294,669,058 | \$25,502,792 | 9.00% | \$13,601,120 | 5.00% |

* Discretionary procurements include purchases for goods, miscellaneous procurements, personal or miscellaneous services that do not exceed \$200,000, which are not federally funded and may be awarded under the New York State Public Authorities Law, to qualified small business concerns or NYS certified Minority and Woman-owned Business Enterprises.

** This amount includes all purchases, regardless of amount, including those exceeding \$200,000.

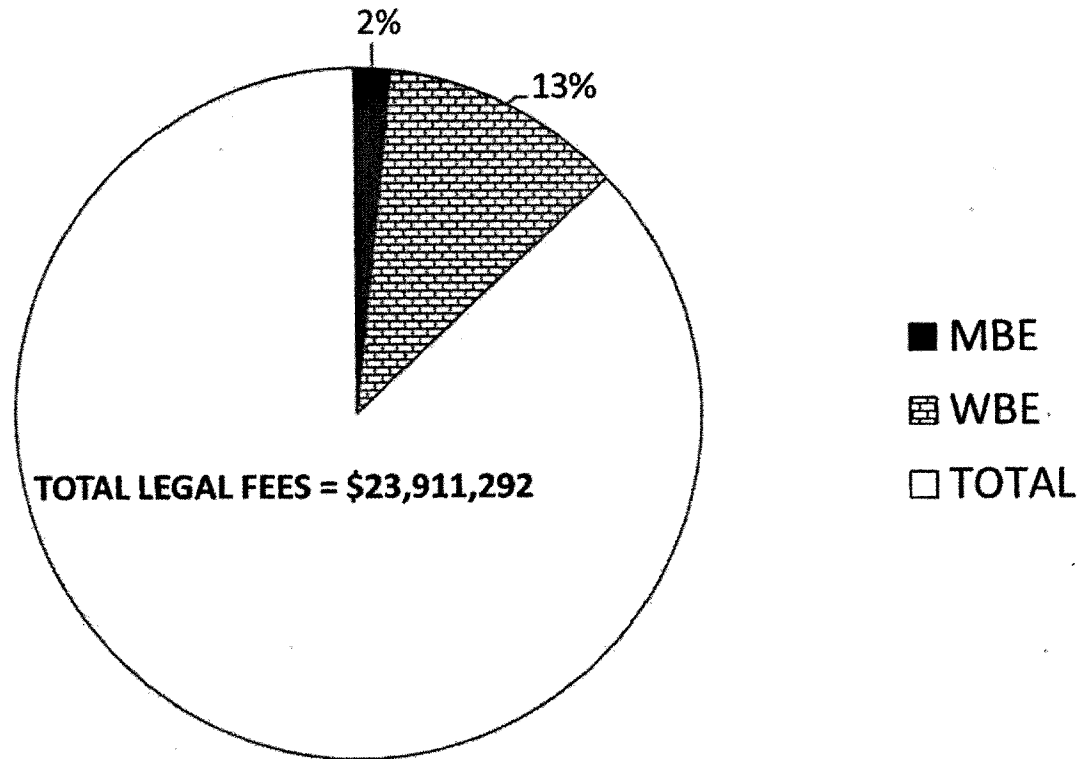


Metropolitan Transportation Authority

FINANCIAL AND LEGAL SERVICES

June 3, 2013

**MTA ALL AGENCY LEGAL FEES
April 2012- March 2013**



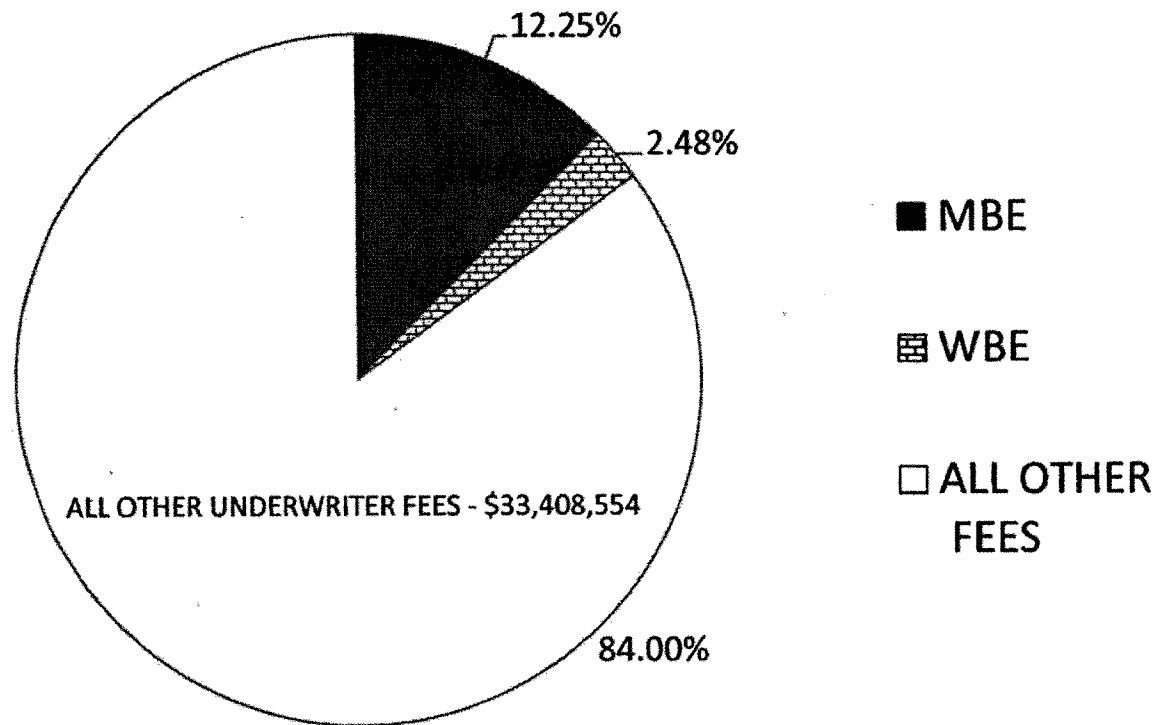
**10% MBE GOAL
10% WBE GOAL**

**Actual MBE Participation = \$422,140 or 2%
Actual WBE Participation = \$3,003,584 or 13%**

**MTA ALL AGENCY LEGAL FEES PAID
APRIL 2012 THROUGH MARCH 2013**

| <u>TOTAL FEES PAID BY AGENCY</u> | <u>ALL FEES</u> | <u>MBE</u> | <u>AGENCY MBE</u> | <u>WBE</u> | <u>AGENCY WBE</u> |
|----------------------------------|-----------------|------------------|----------------------|------------------|----------------------|
| | <u>PAID</u> | <u>FEES PAID</u> | <u>PARTICIPATION</u> | <u>FEES PAID</u> | <u>PARTICIPATION</u> |
| B&T | \$972,081 | \$0 | 0.0% | \$40,098 | 4.1% |
| LIRR | \$952,661 | \$4,331 | 0.5% | \$0 | 0.0% |
| MTA BUS | \$3,958,654 | \$9,373 | 0.2% | \$591,060 | 14.9% |
| MTACC | \$1,683,642 | \$0 | 0.0% | \$1,341,641 | 79.7% |
| MTAHQ | \$6,091,147 | \$0 | 0.0% | \$100,493 | 1.6% |
| MNR | \$1,210,722 | \$4,452 | 0.4% | \$17,033 | 1.4% |
| NYCTA | \$9,042,384 | \$403,984 | 4.5% | \$913,260 | 10.1 % |

MTA ALL AGENCIES UNDERWRITER FEES April 2012-March 2013



10% MBE GOAL
10% WBE GOAL

Total Underwriter Fees = \$39,181,844 or 100%
Actual MBE Participation = \$4,801,172 or 12.25%
Actual WBE Participation = \$972,118 or 2.48%

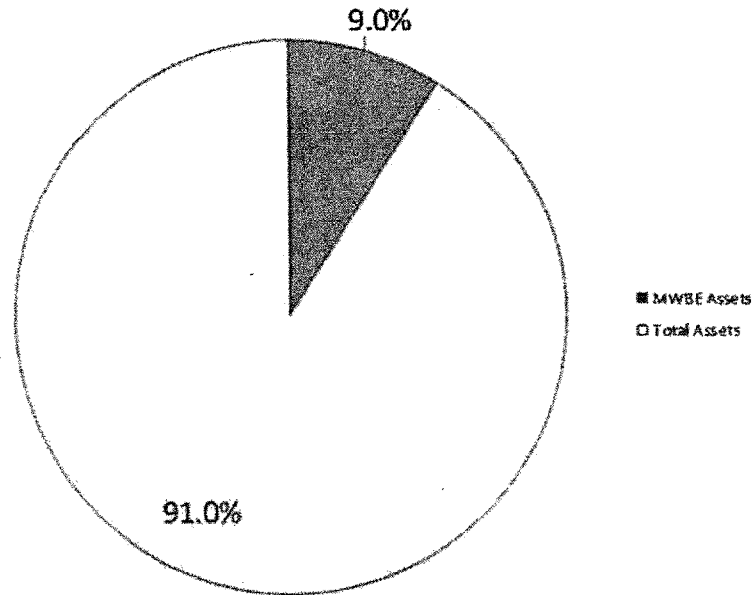


Metropolitan Transportation Authority

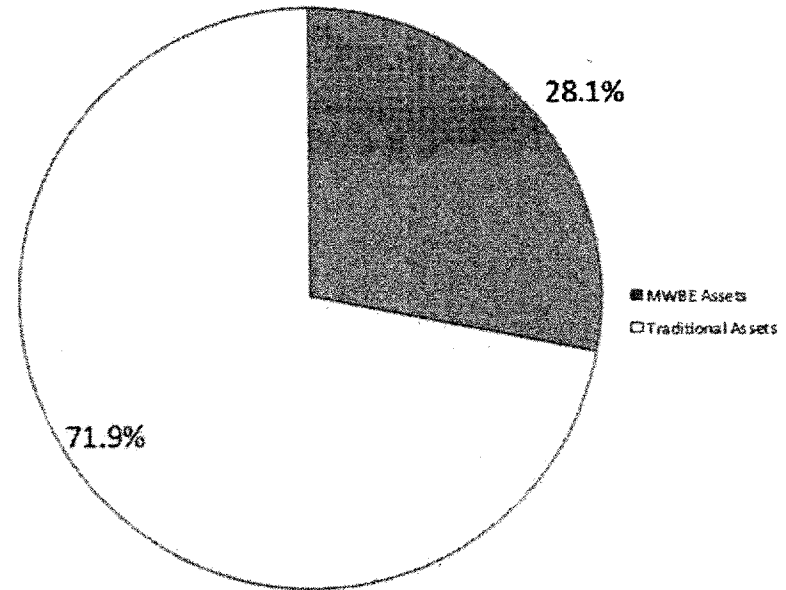
MTA ASSET FUND MANAGERS

June 3, 2013

Asset Fund Managers
MTA MaBSTOA Pension Plan
As of 3/31/13



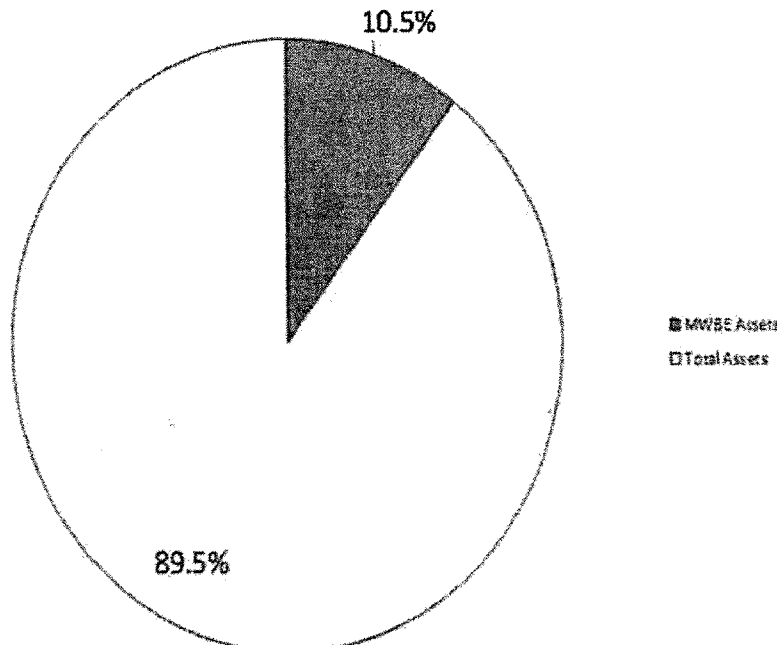
Total Assets = \$1,901,164,353
Actual MWBE Participation = \$171,970,302



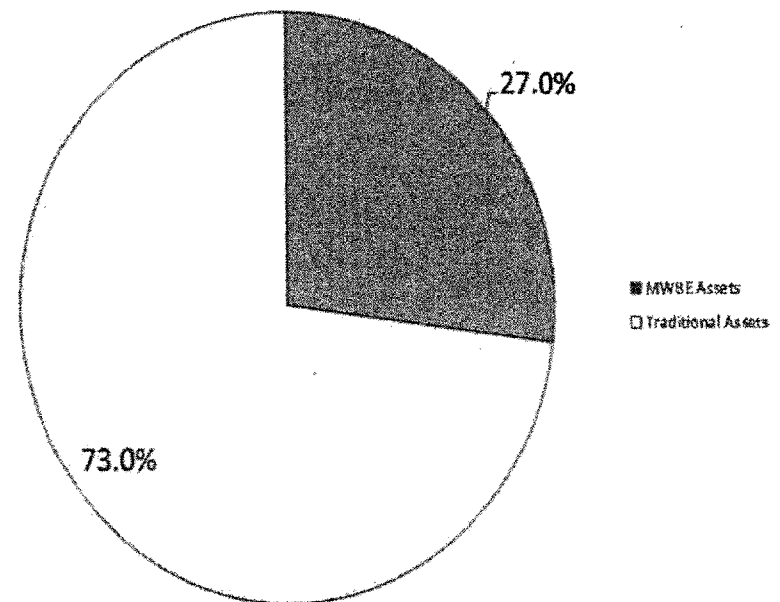
Traditional Assets = \$611,806,545
Actual MWBE Participation = \$171,970,302

MWBE GOAL - 20%

Asset Fund Managers
MTA Defined Benefit Pension Plan
Including LIRR Additional Plan
As of 3/31/13



Total Assets = \$2,957,474,144
Actual MWBE Participation = \$ 310,703,699



Traditional Assets = \$1,148,992,088
Actual MWBE Participation = \$ 310,703,699

MWBE GOAL - 20%



Metropolitan Transportation Authority

**MTA CAPITAL PROJECTS
M/W/DBE AWARDS
JANUARY- MARCH 2013**

MWDBE AWARDS ON MTA CAPITAL PROJECTS with GOALS
January 2013 - March 2013
ALL PROJECTS

| DBE Participation Goal: 17% | Total Awards | Total DBE Awards | DBE Participation (%) | Total Awards | Total DBE Awards | DBE Participation (%) | Total Awards | Total DBE Awards | DBE Participation (%) | Total Awards | Total DBE Awards | DBE Participation (%) |
|--------------------------------|----------------|-------------------|-----------------------|-----------------|-------------------|-----------------------|----------------|-------------------|-----------------------|-----------------|-------------------|-----------------------|
| Construction | \$ 77.2 | \$ 12.2 | 15.8% | \$ 260.0 | \$ 44.8 | 17.2% | \$ 14.8 | \$ 2.5 | 17.2% | \$ 352.0 | \$ 59.5 | 17% |
| Professional Services | | | | | | | | | | | | |
| Other | | | | | | | | | | | | |
| TOTAL | \$ 77.2 | \$ 12.2 | 15.8% | \$ 260.0 | \$ 44.8 | 17.2% | \$ 14.8 | \$ 2.5 | 17.2% | \$ 352.0 | \$ 59.5 | 17% |
| Additional MWBE Participation: | Total Awards | Total MWBE Awards | | Total Awards | Total MWBE Awards | | Total Awards | Total MWBE Awards | | Total Awards | Total MWBE Awards | |
| Construction | \$ 77.2 | \$ 8.1 | | \$ 260.0 | \$ 44.8 | | \$ 14.8 | \$ 2.5 | | \$ 352.0 | \$ 55.4 | |
| Professional Services | | | | | | | | | | | | |
| Other | | | | | | | | | | | | |
| Total | \$ 77.2 | \$ 8.1 | | \$ 260.0 | \$ 44.8 | | \$ 14.8 | \$ 2.5 | | \$ 352.0 | \$ 55.4 | |

| STATE FUNDED | JANUARY 2013 (in millions) | | | FEBRUARY 2013 (in millions) | | | MARCH 2013 (in millions) | | | TOTAL (in millions) | | |
|---|-------------------------------|------------------|-----------------------|--------------------------------|------------------|-----------------------|-----------------------------|------------------|-----------------------|------------------------|------------------|-----------------------|
| MBE Participation Goal: 10% | Total Awards | Total MBE Awards | MBE Participation (%) | Total Awards | Total MBE Awards | MBE Participation (%) | Total Awards | Total MBE Awards | MBE Participation (%) | Total Awards | Total MBE Awards | MBE Participation (%) |
| Construction | \$ 17.7 | \$ 2.0 | 11.2% | | | | \$ 81.1 | \$ 21.3 | 26.3% | \$ 98.8 | \$ 23.30 | 23.6% |
| Professional Services | \$ 8.4 | \$ 1.0 | 11.5% | \$ 3.4 | \$ 0.4 | 11.8% | \$ 0.6 | \$ 0.06 | 10.0% | \$ 12.5 | \$ 1.43 | 11.5% |
| Other | | | | | | | | | | | | |
| MBE Participation on FTA-funded projects | | | | | | | | | | | | |
| TOTAL | \$ 26.1 | \$ 2.94 | 11.3% | \$ 3.4 | \$ 0.4 | 11.8% | \$ 81.7 | \$ 21.39 | 26.2% | \$ 111.2 | \$ 24.73 | 22% |
| WBE Participation Goal: 10% | Total Awards | Total WBE Awards | WBE Participation (%) | Total Awards | Total WBE Awards | WBE Participation (%) | Total Awards | Total WBE Awards | WBE Participation (%) | Total Awards | Total WBE Awards | WBE Participation (%) |
| Construction | \$ 17.7 | \$ 1.8 | 10.0% | | | | \$ 81.1 | \$ 8.9 | 10.9% | \$ 98.8 | \$ 10.6 | 10.6% |
| Professional Services | \$ 8.4 | \$ 1.1 | 12.5% | \$ 3.4 | \$ 0.4 | 11.8% | \$ 0.6 | \$ 0.07 | 10.3% | \$ 12.5 | \$ 1.52 | 12.2% |
| Other | | | | | | | | | | | | |
| WBE Participation on FTA-funded projects | | | | | | | | | | | | |
| TOTAL | \$ 26.1 | \$ 2.8 | 10.8% | \$ 3.4 | \$ 0.4 | 11.8% | \$ 81.7 | \$ 8.9 | 10.9% | \$ 111.2 | \$ 12.1 | 11% |
| Additional DBE Participation: | Total Awards | Total DBE Awards | | Total Awards | Total DBE Awards | | Total Awards | Total DBE Awards | | Total Awards | Total DBE Awards | |
| Construction | \$ 17.7 | \$ 0.6 | | | | | \$ 81.1 | \$ 13.9 | | \$ 98.8 | \$ 14.7 | |
| Professional Services | \$ 8.4 | \$ 1.5 | | \$ 3.4 | \$ 0.4 | | \$ 0.6 | \$ 0.1 | | \$ 12.5 | \$ 2.0 | |
| Other | | | | | | | | | | | | |
| Additional DBE Participation Total | \$ 26.1 | \$ 2.3 | | \$ 3.4 | \$ 0.4 | | \$ 81.7 | \$ 14.0 | | \$ 111.2 | \$ 16.7 | |

¹ During the first quarter, 42 MWBE certified subcontractors participated on 9 federally-funded projects which total \$55.4 million.

MTA UPDATED TITLE VI POLICIES

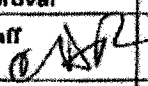


June 3, 2013

Staff Summary

| |
|---|
| Subject Updated Title VI Policies |
| Department Department of Diversity and Civil Rights |
| Department Head Name Michael J. Garner |
| Department Head Signature |
| Project Manager Name Naeem Din |

| |
|--------------------------------|
| Date May 28, 2013 |
| Vendor Name |
| Contract Number |
| Contract Manager Name |
| Table of Contents Ref # |

| Board Action | | | | | |
|--------------|---------------------|--------|----------|------|-------|
| Order | To | Date | Approval | Info | Other |
| 1 | Diversity Committee | 6/3/13 | X | | |
| 2 | Board | 6/5/13 | X | | |
| | | | | | |

| Internal Approvals | | | |
|--------------------|--|-------|--|
| Order | Approval | Order | Approval |
| 3 | Chief of Staff  | 1 | Diversity & Civil Rights  |
| | | 2 | Legal  |
| | | | |

Purpose:

To obtain Board adoption of the annexed updated Policies under Title VI of the Civil Rights Act of 1964 ("Title VI Policies"), governing MTA New York City Transit ("NYC Transit"), MTA Bus Company ("MTA Bus"), MTA Long Island Rail Road ("LIRR") and MTA Metro-North Railroad ("MNR"), in satisfaction of FTA requirements set forth in its revised Title VI Circular.

Discussion:

The Federal Transit Administration ("FTA") has issued a revised Title VI Circular (Circular 4702.1B, effective October 1, 2012), to assist its grantees in complying with their obligations under Title VI. The FTA Circular requires, among other things, that transportation agencies update, and post for public comment, a set of Title VI policies as part of their Title VI Programs. Pursuant to the requirements of the Circular, the MTA's operating agencies have reviewed and updated their existing Title VI policies, which include existing policies for evaluation of fare and service changes as well as existing system-wide service standards and service policies.

Consistent with the Circular's guidance, the updated Title VI Policies have been organized by mode of service. The attachment thus contains a set of Title VI Policies for commuter rail service provided by MTA LIRR and MTA MNR and a parallel set of Title VI Policies for subway and bus services provided by MTA NYC Transit and MTA Bus. The policies, now organized in the manner conforming to the new Circular, remain substantially the same in content as the pre-existing Title VI policies of the agencies.

In accordance with the public input requirements of the FTA Circular, MTA posted the proposed updated Title VI Policies on MTA's website, inviting comment. As of May 24, 2013, no comments of a substantive nature had been received. MTA and agency representatives also held a focus group meeting on May 22, 2013, with transportation advocacy and community groups, at which the updated Title VI Policies were reviewed.

Recommendation:

It is recommended that the Board adopt the annexed Title VI Policies, in satisfaction of the requirements of the FTA Title VI Circular.

BOARD RESOLUTION

WHEREAS, in a Staff Summary, dated June 3, 2013, the Department of Diversity and Civil Rights has recommended that the Board adopt updated policies under Title VI of the Civil Rights Act of 1964 ("Title VI"), governing MTA New York City Transit, MTA Bus Company, MTA Long Island Rail Road and MTA Metro-North Railroad, in satisfaction of Federal Transit Administration ("FTA") requirements set forth in its revised Title VI Circular;

WHEREAS, the proposed policies attached to the Staff Summary incorporate existing policies for the evaluation of fare and service changes as well as existing system-wide service standards and service policies;

WHEREAS, in accordance with the FTA Title VI Circular, the proposed policies were posted on MTA's website, inviting comments, and a meeting was held on May 22, 2013, with transportation advocacy groups, at which the updated Title VI policies were reviewed;

NOW, THEREFORE IT IS RESOLVED that the Board adopts the Title VI Policies described in and attached to said Staff Summary.

**MTA New York City Transit and MTA Bus Company
Major Service and Fare Change Policy, and
System-wide Service Standards and Policies**

In accordance with Title VI of the Civil Rights Act of 1964 (Title VI), MTA New York City Transit (NYCT)¹ and MTA Bus Company (MTA Bus) have established their Major Service and Fare Change Policy, and System-wide Service Standards and Policies for each mode of service that is provided.

I. MTA New York City Transit and MTA Bus Company Major Service and Fare Change Policy

1. Major Service Change

Prior to conducting a service change analysis under Title VI, NYCT and MTA Bus first determine whether a particular service change is considered to be major or minor.² If a service change is determined to be "major," a Title VI analysis is conducted in order to determine whether the major service change will have a disparate impact or result in a disproportionate burden on any Title VI or Environmental Justice ("EJ") protected class.

NYCT and MTA Bus use the following definitions of "major" service changes:

- Route restructuring actions resulting in at least a 25% change in overall route length;
- Service frequency changes resulting in at least a 25% change in annual revenue vehicle miles ("RVM") Annual RVMs are a compilation of Weekday, Saturday and Sunday RVMs; or
- Span change actions resulting in at least one hour change in service span.

The following exceptions to the definition of "major" service changes apply:

- Demonstration projects or experimental service;
- Standard seasonal or holiday adjustments;
- Temporary schedule changes to enable performance of line maintenance or capital improvement work; or
- Temporary changes in response to emergency situations, service disruptions or events beyond the control of NYCT or MTA Bus.

2. Fare Changes

NYCT and MTA Bus require a Title VI fare equity analysis to be performed for any proposed fare change presented to the Board.

¹ For purposes of these standards and policies, NYCT refers to the New York City Transit Authority and its statutory subsidiary, Manhattan and Bronx Transit Operating Authority (MaBSTOA).

² Multiple changes implemented concurrently as a single related action will be reviewed as a single change for purposes of determining whether such change is major.

3. Disparate Impact/Disproportionate Burden Policy

Adverse Effects

NYCT and MTA Bus perform statistical analyses for minority/non-minority and for at or below poverty/above poverty groups to assess if proposed changes may disproportionately affect any of the protected classes in terms of average trip cost, travel time or passenger loading (for Major Service Changes) or average fare media cost (for Fare Changes).

Threshold

Using a statistical test (t-test and/or Chi-square, where appropriate), NYCTA and MTA Bus will apply a 95 +/- 5% confidence level to ascertain if there are significant differences between any of the groups being compared, using results from the impact analysis.

- If the result falls within the boundaries of the test statistic, there is no “statistically significant” difference between the groups and no further analysis is necessary.
- If the result falls outside the test statistic there is a “statistically significant difference” between the groups associated with the service change. It then must be determined if the difference represents an adverse impact to any protected class (e.g., an increase in average travel time for minorities for a service reduction represents an adverse impact).
- Any adverse impact will result in a consideration of an alteration to the service change and/or implementation of mitigation measures, or, where neither alteration nor mitigation is possible, an explanation for the adverse impact and/or justification for the service change.

II. MTA New York City Transit and MTA Bus Company System-wide Service Standards

The following fixed route modes are provided by NYCT: Subway, Local Bus and Express Bus. MTA Bus provides Local Bus and Express Bus modes.

1. Service Availability

Service availability is a general measure of the distribution of routes within a transit system. NYCT and MTA Bus use differing measures as a result of their dissimilar service area densities and operational characteristics. NYCT Bus services are designed to be complementary with NYCT Subway services, providing feeder routes to many subway locations, which are part of a fixed infrastructure, allowing riders to transfer easily between modes to complete their trips. Therefore, NYCT Service Availability includes both bus and subway stops.

The NYCT service area comprises the five counties of New York City: New York, Queens, Bronx, Kings and Richmond, and provides high density local, express and select bus routes and subway lines in a complimentary service pattern. The MTA Bus service area comprises the counties of Bronx, Kings, Nassau, New York, Queens and Westchester, providing express and local bus service.

NYCT (Bus & Subway)

NYCT measures Service Availability by the distance that a person must travel to gain access to its (Bus stop or Subway station) services. The distance to transit service is measured by the distance from the geographic center of a given Census tract to the closest available service. NYCT aims to provide transit service within ¼ mile from the geographic center of a given Census tract (or Centroid). Factors governing bus stop placement include route spacing, land use, population density and the location of major traffic generators, and type of bus service (local, limited or express).

MTA Bus

MTA Bus measures Service Availability by the distribution of express and local routes within the MTA Bus service area, which includes Bus Stop Spacing. MTA Bus uses different criteria for express service and local service bus stop spacing, pursuant to the "Bus Stop Spacing Guidelines." Local bus routes have minimum desired spacing interval of approximately 750 feet or about three blocks between bus stops while express bus routes have a minimum desired spacing interval of approximately 1,300 feet or about five blocks between bus stops.

2. On-Time Performance

On-Time Performance is a measure of trips completed as scheduled. Several criteria may define what is considered to be "on time."

NYCT (Bus & Subway Wait Assessment)

NYCT's measurement of On-Time Performance is called "Wait Assessment." "Wait Assessment" is measured on bus routes with the highest passenger volume within each borough (plus eight associated limited services and two +SelectBus routes) and for all Subway routes, as part of the Performance Indicator ("PI") program.

Wait Assessment measures whether scheduled headways are maintained during the hours of most frequent service and is defined as the number of service intervals that are no more than the scheduled interval plus the following:

| | |
|--|-------------------------|
| <u>Local Bus</u> | <u>7 am to midnight</u> |
| <u>Acceptable Interval in Excess of Scheduled Interval</u> | |
| + 3 Minutes (Peak), + 5 Minutes (Off-Peak) | |
| Peak hours are 7 am - 9 am and 4 pm - 7 pm | |
| Off-Peak hours are 9 am - 4 pm and 7 pm - 12 am | |

| | |
|--|-------------------------|
| <u>Subway</u> | <u>6 am to midnight</u> |
| <u>Acceptable Interval in Excess of Scheduled Interval</u> | |
| + 25% of scheduled interval (6 am- midnight) | |

Routes may be added or deleted to the program as required (i.e., a new +SelectBus route is started).

MTA Bus (On-Time Performance)

MTA Bus uses the following methodology to measure On-Time Performance. On-Time Performance is presently assessed by MTA Bus by the use of traffic checks of the bus trips that either leave an enroute location or arrive at a terminal in accord with the public schedule. The times that the buses leave timepoint locations are then tabulated. These tabulations result in a measure of the On-Time Performance.

The parameters for On-Time Performance assessment require that each bus trip of a particular route must not be earlier than one minute before or not be later than five minutes after its scheduled departure time at each of its assessed (terminal or enroute) time points.

3. Vehicle Headway

Vehicle Headway is the time interval between two vehicles, traveling in the same direction on the same route.

Subway

The Subway headway, expressed in minutes, indicates the average maximum amount of time that a person should spend waiting for a train during the analyzed time period. Shorter headways, with less waiting time, are indicative of "better" service provision. Average headways are taken from official and authorized subway timetables, and display the average scheduled interval between trains (in minutes) for a given route at a specific time-point location. If there are a large number of riders, then the headway is short since more frequent service is needed to maintain guideline loading levels. Although headways are route specific, more than one service may run on a given set of tracks, at certain locations, thus decreasing overall wait times.

NYCT subway headways are based on publicly approved Service Guidelines, which specify "policy," or minimum service headways, which are 10 minutes (Peak, Weekday Mid-day and Saturday Mid-day), 12 minutes (Weekday Evening, Saturday Evening and Sunday) and 20 minutes (Overnight) so that even during low ridership hours, transit riders have an expectation that a fixed level of service will be maintained.

Bus

The parameters for setting bus headways for local and express services are based on Board approved system-wide loading guidelines. If there are a large number of riders, then the headway is short since required trips must be more frequent. The guidelines also specify a "policy," or minimum service headway, so that even during low ridership hours, transit riders have an expectation that a fixed level of service will be maintained. The guideline used by NYCT and MTA Bus is based on the volume of ridership passing maximum load points ("MLPs"), with

lessening thresholds of service (longer headways) when loads do not justify more frequent service. The guideline varies by type of service (express and local) and size of bus (45-foot express, 40-foot standard local, 60-foot articulated local). We schedule for up to a maximum of a seated load on express buses at all times, up to a maximum of a seated load on local buses during off-peak periods, and up to a maximum of approximately 50% standees in addition to seated load on local buses during peak periods.

4. Vehicle Load

Vehicle loading standards are established by Board-approved passenger loading guidelines, which mandate acceptable maximum vehicle capacities. NYCT and MTA Bus use the average load factor for conducting evaluations under Title VI.

Subway

For Subway travel, most passengers travel toward the Central Business District ("CBD") in the a.m. rush period, and away from the CBD during the p.m. rush period. Ridership is generally lower and spread over a longer period of time in the p.m. rush period. As a result, ridership levels at the MLP for most routes will be lower during the p.m. rush period than the a.m. rush period.

The load factor is the average passengers per car divided by the scheduled load. The number of passengers per car ("Average/Car") is the number of passengers divided by the number of cars, with the result rounded to the nearest whole number. The scheduled load is the Board-approved loading guideline for the class of cars in service. Subway loading guidelines differ for the three sizes of subway cars used by NYC Transit: "A" Division 51-foot cars (car classes R62, R62A, R142, and R142A), "B" Division 60-foot cars (car classes R32, R42, R143, R160A, and R160B), and "B" Division 75-foot cars (car classes R46, R68, and R68A). All subway service is scheduled to provide for standees during peak periods. When service operates more frequently, the guidelines allow more customers per car. The maximum capacity for each car size is based on a standing space of three square feet per standing customer. The number of allowable peak period riders per "A" Division car is 110. Similarly the numbers of allowable peak period riders per "B" Division cars are 145 and 175, for 60-foot and 75-foot cars, respectively.

All subway service is scheduled up to 125 percent of a seated load during off-peak periods.

A factor of less than one (1.0) indicates that the average load is below the loading guidelines. In cases where factors are greater than one (1.0), the fixed rail infrastructure and safe distance vehicle operation may prevent adding service on lines running at maximum operational levels.

Bus

The guideline for average riders per trip for local and express bus services is based on official system-wide loading guidelines, previously approved by the Board. These loading guidelines vary between different times of day/week, bus sizes and bus route configurations (grid vs. feeder). A feeder route takes most riders to the same final destination in the morning, and takes them away from that point in the evening. The destination is often a transfer point such as a ferry terminal or a subway station. The MLP for a feeder route is usually at the destination point

or at a stop very near the end, in the a.m. period, and at the same point, which becomes the new origin, in the p.m. period. In contrast, a grid route picks up and discharges passengers throughout the entire route, in both directions. The MLP of a grid route tends to be near the center of the route in both the a.m. and the p.m. periods.

The average load factor is the average riders per trip divided by the number of bus seats. The average number of seats per bus for Standard size, Coach, and Articulated buses are 40, 55 and 62, respectively. Therefore, a factor that is less than one (1.0) indicates that the actual loads are below established guidelines at the MLP point.

III. MTA New York City Transit and MTA Bus Company System-Wide Service Policies

NYCT and MTA Bus apply the following Policies for System-wide Policy Indicators, based on the NYCT Service Guidelines Manual, the Department of Subways ("DOS") Rail Fleet Management Plan and the Department of Buses ("DOB") Program Standards. The following fixed route modes are provided by NYCT: Subway, Local Bus and Express Bus. MTA Bus provides Local Bus and Express Bus modes.

1. Vehicle Assignment

Vehicle Assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout a transit system.

Subway

The assignment of subway cars to individual subway routes is guided by the practices outlined in the Rail Fleet Management Plan. As detailed in the Rail Fleet Management Plan, car assignments are based on several factors, which include ridership levels on each subway route, operational factors such as subway clearance and car class compatibility, and maintenance factors, such as the location of repair and overhaul facilities.

Ridership concerns, such as severe overcrowding, can lead to major capital investments to increase capacity, such as the purchase of additional subway cars or the construction of new subway lines like the Second Avenue Subway. Maintenance and operational factors are important as the NYCT fleet is not uniform and no single car class can operate in passenger service on all subway routes. NYCT Subways has two physically separate divisions with different gauges and, consequently, different car sizes. Cars and trains on the A Division (numbered routes 1 through 7, plus the S 42nd Street Shuttle) are physically smaller than those on the B Division. Signal system needs may affect car assignments and will become increasingly important as NYCT modernizes with Communications-Based Train Control ("CBTC"). New technology cars delivered since 2000 are all CBTC-compatible.

Subway cars are maintained on a daily basis at 13 car maintenance shops throughout the system, supported by two heavy overhaul shops, all of which handle specific car classes. As a result of the ridership, operational, and maintenance considerations outlined above, certain car classes tend to cluster at specific shops and, hence, are assigned to specific routes. Car assignments for individual routes and shops also tend to remain fairly steady for years, and sometimes decades,

except when new fleets are replacing older fleets. Therefore, there is no applicable standard or guideline for subway fleet age.

Bus

NYCT and MTA Bus seek to maintain a uniform fleet age across the system, with the average fleet age standard for any depot or division between 6 and 7 ½ years. DOB has developed extensive supporting policies to facilitate compliance with this standard.

New buses are assigned to various depots in the system based on the needs of the individual depot, not the needs of the individual route. The assignment of vehicles is depot based, not route based. However, express buses are assigned only to express routes. Depot assignment is predicated on a number of independent and interrelated factors, such as peak service requirements by mode, uniform fleet age and alternative fuel types.

The depots with the oldest buses will in general get the greatest share of any new buses. However, in order to properly maintain buses at each location, it is necessary that a limited variety of buses be assigned to each depot. This enables mechanics at a given location to be familiar with a variety of buses and minimizes inventory needs for repair parts. Specific equipment assignments for a route are not made within the depot; each route is served with the first bus available. The average bus age is independent of a particular route in a depot, given that bus assignments are not route specific.

2. Transit Amenities

Transit amenities refer to items of comfort and convenience available to the general riding public.

Subway

The transit amenities and corresponding standards listed below apply to Subway stations. The following measures are used to evaluate subway transit amenities:

- Benches - Benches are placed in paid areas on mezzanines or at platform level.
- Trash Receptacles - Trash receptacles are to be placed near seating benches and on platforms. Final locations will be based on the recommendations of the maintenance unit of the Stations Department.
- Train Arrival Annunciator - Every station, where the (24 hours) fare control area is on a different level from the train platform, has at least one train arrival annunciator to alert passengers with audio and/or visual components of impending train arrivals and to direct them to the proper platform.
- MetroCard Vending Machines ("MVM") - Space permitting, there should be least two MVMs per entry control area (excluding High Entry and Exit Turnstile locations within a station) selling fare media with multilingual capabilities. Where space is not available for two MVMs, at least one MVM should be provided.
- Passenger Information Center ("PIC") - PIC displays shall be installed in the unpaid zone of every full-time control area; installation depends on the availability of wall space; installation in part-time control areas depends on the

display's vulnerability to vandalism. Where available wall space does not permit complete installation of the PIC display, the items below should be displayed in order of priority: 1. Guide-A-Ride Maps 2. System Map 3. Neighborhood Map 4. Notice Board (for service notices of diversions) 5. Bus Maps.

- Subway System Maps - System maps shall be installed in both the paid and unpaid zones of stations. In unpaid zones, they will be installed as part of the PIC. They shall be wall-mounted at typical platforms. At island platforms, maps will be installed in free-standing frame elements parallel to the track and located so that they do not obstruct the flow of passengers.

Bus

Neither NYCT nor MTA Bus report on bus stops or bus shelters as these right-of-way amenity elements are maintained by the New York City Department of Transportation ("NYCDOT").

**MTA Long Island Rail Road and MTA Metro-North Railroad
Major Service and Fare Change Analysis Policy, and
System-wide Service Standards and Policies**

In accordance with Title VI of the Civil Rights Act of 1964 (Title VI), MTA Long Island Rail Road (LIRR) and MTA Metro-North Railroad (MNR) have established their Major Service and Fare Change Policy and System-wide Service Standards and Policies.

I. Long Island Rail Road and MTA Metro-North Railroad Major Service and Fare Change Analysis Policy

LIRR and MNR apply the following definitions and procedures in conducting their analyses of proposed major service changes and fare changes pursuant to Title VI.

1. Major Service Change

LIRR and MNR will conduct an analysis of those service changes that meet or exceed the definition of a "Major Service Change" provided below. Both railroads will use a statistical test to determine whether the proposed service change will have a disproportionate impact upon minority or low income riders with regard to, as applicable, train service, consist length, station, line segment, or service frequency.

LIRR and MNR define a Major Service Change as follows:

- The addition or deletion of trains estimated to carry 25% or more of the total line ridership on the day of the week for which the change is made;
- The addition or deletion of trains or cars constituting more than 25% of the revenue car miles operated on the line on the day of the week for which the change is proposed;
- The establishment or discontinuance of service over a line segment;
- The establishment or discontinuance of a station; or
- A change in frequency of service to a station on a given day by more than 25%.

The following exceptions to the definition of Major Service Change apply:

- Demonstration projects or experimental service;
- Standard seasonal or holiday adjustments;
- Temporary schedule changes to enable performance of line maintenance or capital improvement work; or
- Temporary changes in response to emergency situations, service disruptions or events beyond the control of the railroads.

2. Fare Change

LIRR and MNR will conduct an analysis to determine whether a proposed fare change would result in a disparate impact on either minority or low income LIRR or MNR customers.

This analysis is based on data from the annual LIRR and MNR Customer Satisfaction Surveys and Origin/Destination Studies for each railroad, as well as other available socio-economic data (e.g., Census data).

3. Disparate Impact/Disproportionate Burden Policy

The following disparate impact and disproportionate burden policy applies to both LIRR and MNR. MNR and LIRR shall, prior to the implementation of any Major Service Change or fare change, evaluate whether the proposed change may result in adverse effects borne disproportionately by minority or low-income populations.

Adverse Effects

An adverse effect exists where a "statistically significant" difference in service or cost causes a disparate impact or disproportionate burden to minority and/or low-income populations.

Threshold

The threshold is determined by utilizing a statistical test based on available survey, census, operations, and other relevant information. The statistical tests used by the LIRR and MNR measure data to arrive at results with 95% degree of confidence and an error margin of plus or minus 5%. A "statistically significant" difference is demonstrated if the statistical result falls outside of the critical value. In such instances, MNR or LIRR will review the proposed change and consider measures to avoid, minimize or mitigate adverse effects.

II. MTA Long Island Rail Road and MTA Metro-North Railroad System-wide Service Standards

The following system-wide service standards apply to LIRR and MNR operations.

1. Service Availability

Service Availability is a general measure of the distribution of routes within the areas serviced by LIRR and MNR.

The commuter rail routes are distributed to provide service to commuters who reside within the service territories of LIRR and MNR. These service territories are each defined as all census tracts that are within (and touching) 2.5 miles of all the commuter rail stations. For MNR, the service territory includes all MNR stations in Manhattan, the Bronx, Westchester, Putnam, Dutchess, Rockland and Orange Counties in New York State and Fairfield and New Haven Counties in Connecticut. For LIRR, the service territory includes all LIRR stations in Manhattan, Brooklyn, Queens, Nassau and Suffolk Counties.

For purposes of conducting a Title VI analysis of service availability, the distance (distribution of stations – fixed access points) that a person must travel to gain entry to LIRR and/or MNR commuter rail services must be determined. The distance from the centroid of each census tract to the closest commuter rail station is computed and will be used for conducting such a Title VI analysis.



2. On Time Performance

On-time performance is a measure of runs completed as scheduled. At LIRR and MNR, a train is recorded as on time if it arrives at its final destination within five minutes and 59 seconds of its scheduled arrival. All trains operated should complete their assigned trips. Unless noted on the timetable, trains will not depart early from passenger stations where they are scheduled to receive passengers.

3. Vehicle Headway

Vehicle Headway is a measure of how often a train is scheduled to stop at a particular station. Maximum Vehicle Headway is based upon the station's level of service (determined by ridership by station or average ridership within specific operating line segments). Factors considered when determining service frequency also include availability of equipment, track scheduling, and operating resources.

Maximum Vehicle Headway differs for peak, reverse peak, weekday off-peak, and weekends.

LIRR Maximum Headway Guideline

The chart below presents the Maximum Vehicle Headway by station level of service and time of day for LIRR stations in Zones 1-12. Zone 14 stations, Mets-Willets Point (only open seasonally for Mets home games and other special events), and Belmont (only open seasonally when races are taking place) are not covered by this guideline.

| Level of Service | Peak | Rev. Peak | Off-Peak | Weekend |
|------------------|------------|-------------|-------------|-------------|
| Level 1* | 20 minutes | 60 minutes | 60 minutes | 60 minutes |
| Level 2 | 30 minutes | 60 minutes | 60 minutes | 60 minutes |
| Level 3 | 45 minutes | 90 minutes | 90 minutes | 90 minutes |
| Level 4 | 60 minutes | 120 minutes | 120 minutes | 120 minutes |

* Due to infrastructure constraints, Huntington and Ronkonkoma do not provide peak service at this headway. These constraints include: single track territory east of Farmingdale, existence of only two tracks west of Hicksville, and lack of a yard east of Huntington. Hunterspoint Avenue station does not provide service at Level 1 headways, because unlike the other LIRR stations, this station operates only weekday peak-period, peak-direction service.

MNR Maximum Headway Guideline

The chart below presents the maximum vehicle headway by operating line segment and time of day for MNR stations.

| Line Segment | Peak | Rev. Peak | Off-Peak | Weekend |
|----------------------------|------------|------------|-------------|-------------|
| Hudson Line | | | | |
| Bronx | 30 minutes | 60 minutes | 60 minutes | 60 minutes |
| Mid-Hudson | 25 minutes | 30 minutes | 60 minutes | 60 minutes |
| Upper Hudson | 30 minutes | 30 minutes | 60 minutes | 60 minutes |
| Harlem Line | | | | |
| Bronx | 30 minutes | 60 minutes | 60 minutes | 60 minutes |
| Mid-Harlem | 20 minutes | 30 minutes | 60 minutes | 60 minutes |
| Upper Harlem | 25 minutes | 30 minutes | 60 minutes | 60 minutes |
| Southeast - Wassaic | 45 minutes | 60 minutes | 120 minutes | 120 minutes |
| New Haven Line | | | | |
| Inner New Haven | 20 minutes | 30 minutes | 60 minutes | 60 minutes |
| Outer New Haven | 25 minutes | 30 minutes | 60 minutes | 60 minutes |
| New Canaan Branch | 30 minutes | 60 minutes | 60 minutes | 60 minutes |
| Danbury Branch | 45 minutes | 60 minutes | 120 minutes | 120 minutes |
| Waterbury Branch | 45 minutes | 60 minutes | 120 minutes | 120 minutes |
| Pascack Valley Line | 45 minutes | 60 minutes | 120 minutes | 120 minutes |
| Port Jervis Line | 30 minutes | 60 minutes | 60 minutes | 60 minutes |

4. Loading Guidelines

Loading standards are used to determine seating capacity, to assign equipment (e.g., number/type of railcars), and to make subsequent adjustments by lengthening or shortening trains. Because a primary method of controlling costs is to minimize surplus car-miles while providing a seat for every customer, LIRR and MNR will adjust the assignment of cars and length of trains in accordance with the below occupancy policies.

Train lengths are adjusted to conform to the loading standard using train-by-train ridership data, which is monitored throughout the year. Train lengths are modified to ensure that adequate seating is provided while controlling the total car-miles operated.

Maximum Recommended Occupancy Policy:

| | Lengthening Trains If Occupancy Exceeds... | Shortening Trains If Occupancy (after reduction) Would Not Exceed... |
|---|---|--|
| AM Peak, PM Peak, Reverse Peak | 95% | 95% |
| Off-Peak Weekday | 85% | 85% |
| Weekend | 75% | 75% |

Holiday/Special Event Adjustments: Adjustments to the regular equipment assignments are made to account for changes in travel patterns and demand on holidays and holiday weekends and other special events throughout the year.

III. MTA Long Island Rail Road and MTA Metro-North Railroad System-wide Service Policies

The following system-wide service policies apply to both LIRR and MNR.

1. Vehicle Assignment Policy

Both LIRR and MNR operate diesel and electric powered trains.

The primary criterion in assigning transit vehicles is the type of propulsion power required for a particular branch or line segment. Diesel locomotive-hauled coaches are used on non-electrified territory (Main Line east of Ronkonkoma, Oyster Bay, Port Jefferson, and Montauk branches on the LIRR; Hudson Line north of Croton-Harmon, Harlem Line north of Southeast, Danbury Branch and Waterbury Branch on MNR). Electric Multiple-Unit (EMU) vehicles are used on electrified territory (all remaining lines/branches). Where a train operates over both electrified and non-electrified territory, diesel locomotive hauled coaches must be assigned.

All coaches and EMUs have similar amenities including air conditioning, rest rooms, and like decor which provide the same level of customer comfort and convenience. Vehicles are assigned as required, with seating capacity and maintenance cycles driving the assignments. Cars are not assigned to specific routes or branches within electric or diesel territory but are cycled from line/branch to line/branch to achieve optimum car utilization efficiency. Short-term rolling stock assignment plans are developed for deployment of railcars.

Average Age of Fleet: Vehicles are assigned to trains based on required propulsion power (diesel or electric) for the route, individual train ridership and seating capacity, and maintenance and storage yard requirements.

2. Transit Amenities

Transit amenities are items of comfort and convenience made available to railroad customers.

Amenities available at train stations can include benches, waiting rooms, platform shelters, restrooms, vending machines, information kiosks, recycling/trash bins, public address (PA) speakers, visual information displays, escalators, elevators, and ramps. The station amenities provided are based on a station's daily ridership, length of platform, and size of station, but may be limited or constrained by physical layout, available space, and utility infrastructure constraints (e.g., local commercial electric power availability). Stations are categorized into levels; stations in the highest ridership category receive the full range of amenities if available space allows.



Amenities onboard trains include heating and air conditioning, interior lighting, bathrooms, baggage racks, and public address systems. All trains regardless of car type (coaches or multiple-units) and method of propulsion (diesel or electric) are equipped with similar amenities.