



Metropolitan Transportation Authority

Diversity Committee Meeting

March 2013

Committee Members

F. Ferrer, Acting MTA Chairman

S. Metzger

J. Banks III

R. Bickford

D. Paterson



MEETING AGENDA

MTA DIVERSITY COMMITTEE

March 13, 2013 – 8:30 a.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

Monday, December 17, 2012

4:15 pm.

The following Committee members were present:

Hon. Susan G. Metzger, Chairperson

Hon. Fernando Ferrer

Hon. Robert C. Bickford

The following Committee members were absent:

Hon. John Banks III

Hon. Andrew Saul

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")

Howard Permut, President, MTA Metro-North Railroad ("MNR")

Helena Williams, President, MTA Long Island Rail Road ("LIRR")

William Goldstein, Executive Vice President, MTA Capital Construction ("CC")

Raymond Burney, Senior Vice President, Administration, MNR

David Cannon, Director, Procurement and Risk Management, CC

Dennis Mahon, Chief Procurement and Logistics Officer, LIRR

Michael Fyffe, Director, Diversity Management, LIRR

Anthony Bombace, Senior Director, Procurement and Material Management, MNR

Adrienne Cortez, Director, Human Resources/Acting Director Employee Relations and Diversity/EEO Officer, MNR

Ouida Gaillard, Business Partner, Human Resources, MNR

Roberto Aguirre, Sr., Manager, Statistical Analysis and Compliance, Employee Relations and Diversity, MNR

Naeem U. Din, Deputy Director, DDCR

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

Zenaida Chape, Assistant Director, Outreach, DDCR

Carolyn Greene, Assistant Director, Certification, DDCR
Joel Andrews, Chief EEO 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
Aleyda Meyers, Sourcing Director, Human Resources, NYC Transit
Gloria Colon, Chief EEO Officer, MTA Bridges & Tunnels ("B&T")
Shandira Barton, Management Associate, B&T
Von Steven, Management Associate, B&T
David Williams, Management Associate, B&T
Shaun Brown, Management Associate, B&T
Steven Michejda, Management Associate, B&T

1. Public Speakers:

There were no public speakers.

2. Minutes

Upon motion duly made and seconded, the Committee unanimously approved the minutes of the meeting held on July 23, 2012. Chairperson Metzger thanked Messrs. Ferrer and Bickford for chairing part of the meeting in July 2012.

3. Overview of Today's Meeting

2013 Diversity Committee Work Plan

During 2013, Committee meetings will be held at 8:30 a.m., on the same day as the MTA Board meeting. Committee meetings will be held during the following months in 2013: March, June, September and November.

The Committee approved Chairperson Metzger's memorandum, sent to Committee members, summarizing successes and ideas for the future of the Committee. Chairperson Metzger said she is pleased to see the Committee's goals are being achieved.

2012-2013 Departmental Goals Update

Mr. Garner provided an update on DDCR's departmental goals. He thanked DDCR staff for its hard work. The last two training classes for MTA's Small Business Mentoring Program ("SBMP"), preempted by Hurricane Sandy, are now rescheduled for January 2013. Classes for the 2013 term are scheduled to commence in March 2013. The goal of SBMP is to award at least \$22.5 million dollars in contracts to small businesses, including MWBEs, during the third year of the program, ending on July 2013.

The Federal Transit Administration ("FTA") has approved MTA's Small Business Federal Mentor Program for federally funded contracts, and the first contract under this Program is expected to be awarded during the first quarter of 2013. Mr. Garner thanked MNR for being the first agency to assign a project to this Program. MTA is currently working to finalize its Minority Supplier Development Program for subway car and bus manufacturers, which will increase opportunities for MWDBEs. MTA is moving forward with a focus on increasing its MWDBE goals. With regard to the MWDBE Contract Compliance System, implementation will be completed by the end of the second quarter of 2013. Chairperson Metzger said full implementation of this system will facilitate DDCR's reporting and monitoring functions. Mr. Garner also reported that MTA Agency Title VI Policies, namely Service Standards Policy, Definition of Major Service Change Policy and Disparate Impact/Disproportionate Impact Policy, are expected to be submitted to the Committee and the Board for approval in March 2013.

Outreach Events/Diversity Programs

Ms. Chape reported on outreach initiatives from October through December of 2012. In October, DDCR participated in a highly successful New York State MWBE Forum, held in Albany. DDCR took the lead in organizing an all-MTA Agency procurement session, where small businesses, including MWBEs learned about procurement opportunities. A DBE certification session was also held. Approximately 1,700 firms attended this event.

In November, DDCR hosted MTA's New Firm Orientation Session and attended the New York City Hispanic Chamber of Commerce's annual Economic Development Summit to Puerto Rico and the Harlem Business Alliance 32nd Annual Awards Celebration.

Ms. Chape reported that due to Hurricane Sandy, a few outreach events have been postponed until early 2013. These events include the Long Island Community Development Conference and the 55th Street Ventilation Facility MWDBE Outreach Event. A discretionary procurement event for LIRR is also being planned for early next year.

Mr. Din reported that in October, MNR celebrated National Diversity Awareness Month and MTAHQ celebrated Hispanic American Heritage Month. MTA HQ celebrated Native American Heritage Month in November. MTA's annual International Dessert Day event will be held on December 20, 2012.

Certification Activity Report

Ms. Greene reported on certification activities from July through September of 2012. She provided the number of applications received from July through September, during the years 2010 through 2012. A total of 40 new applications were received during the third quarter of 2012. Data from the previous two years shows a steady increase in the number of certification applications. For the third quarter of 2012, 42 applications were processed: 27 firms were certified, one was denied certification, nine firms' applications were returned and five firms withdrew their applications. Ms. Greene pointed out that while the number of applications processed increased for the third quarter of 2012, compared with the same period in 2011, this activity was accomplished by a smaller staff.

Chairperson Metzger observed that the number of certified firms has increased in each year for the last several years. Mr. Garner stated that for the next meeting of the Committee, DDCR will present a report on the number of contracts awarded to newly certified DBEs.

Mr. Ferrer asked if any assistance is provided to firms that apply for certification. Mr. Garner said DDCR attends outreach events and contacts firms that want to be certified as DBEs. MTA offers monthly classes where firms learn how to become certified as a DBE. DDCR also invites newly certified firms once every calendar quarter, where they meet with MTA Agency procurement representatives, and learn about new procurement opportunities and how to do business with the MTA and its agencies. Ms. Greene added that a member of her staff conducts the monthly DBE certification training session. Chairperson Metzger said it is worthwhile to attend one of these training sessions. Mr. Ferrer asked how firms find out about the monthly training sessions. Mr. Garner replied that DDCR distributes information about the upcoming classes at outreach events.

EEO Activity Report

Mr. Din provided an update on the EEO and Title VI Programs. 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 markets based on 2000 Census data. Employment goals are established where underutilization of women and/or minorities is identified and where vacancies are projected.

As of September 30, 2012, women, Hispanics and employees classified as others are underutilized in some of the job categories at some of the agencies. A majority of the underutilization occurred in the administrative support, skilled craft and service maintenance job categories.

Chairperson Metzger stated that workforce analysis data is being provided to the agency operating Committees so that those Committee members can learn about underutilization of minorities and women at the respective agencies and the efforts being undertaken to address it. She said the same information is being presented to this Committee so that other agencies can learn from each other what efforts are being made and gauge the success of these efforts.

Ms. Williams outlined LIRR's recruitment strategy to address the underutilization of minorities and women in its workforce. LIRR develops a hiring plan in order to determine the number of vacancies that need to be filled. LIRR has broadened its recruitment efforts in order to increase the diversity of its workforce, which has led to an increase in the number of minorities and women in its workforce. LIRR is receiving a large number of applicants, which is a reflection of a difficult economic situation. However, LIRR is continuing to assist applicants and is looking to increase the diversity of its workforce.

Ms. Williams thanked MTA staff for their assistance in LIRR's outreach efforts. In response to a suggestion from MTA Board Member, Mitchell Pally, made earlier in the day during the LIRR Committee meeting, LIRR will conduct an outreach session at the Suffolk County Community College in Brentwood, Long Island.

Mr. Permut stated that MNR has been reviewing its workforce numbers and availability statistics. MNR is facing a large turnover at all levels in 2013, which will give the agency significant opportunity in its recruitment efforts. MNR's recruitment strategies include: regularly attending

women and minority-focused job fairs and conferences; working with colleges and universities with large minority enrollment; working with locally based community organizations; networking with regional offices of minority associations; visiting middle schools and high schools to inform students about job opportunities at MNR; expanding MNR's internship program which is used as feeder pool to fill full-time positions. Mr. Permut further stated that out of the 2012 pool of interns, a diverse group has joined the MNR as full-time employees.

Mr. Andrews said that like other agencies, NYC Transit is experiencing underutilization of women in officials and administrators and skilled craft job categories. Most of the labor intensive jobs at the NYC Transit are in the skilled craft job category. Hispanics are also underutilized in a number of job categories.

Mr. Smith outlined NYC Transit's outreach efforts to address underutilization. NYC Transit has partnered with several organizations, such as 100 Hispanic Women, local churches and businesses, middle high schools, technical and trade schools, Hostos Community College and Touro College, in order to disseminate information about employment opportunities at NYC Transit. Over 200 students take part in the agency's college internship program; 35 students in that program have been hired as full-time employees. The majority of new hires are women, including minority women of whom 15% are Hispanic. Ms. Meyers has continued her outreach efforts throughout the five boroughs on behalf of NYC Transit and B&T.

Chairman Metzger added that NYC Transit has spearheaded the use of electronic media as an outreach strategy, which plays a significant role in the recruitment of younger, diverse candidates.

Ms. Colon thanked NYC Transit for its outreach efforts on behalf of B&T. A total of 425 candidates took the civil service examination for Maintainer on October 27, 2012. B&T's recruitment efforts for this examination focused on female and Hispanic advocacy organizations, community organizations, schools, and private and public entities. B&T has launched a new succession planning/diversity initiative called the Management Associates Program. Recruitment efforts for this program focused on colleges and universities with a diverse population as well as women and minority-focused professional organizations. After a rigorous selection process and screening of over 300 applications, five candidates were selected, who began their six-month rotational assignments on or about May 10, 2012. Ms. Colon introduced Management Associates Barton, Steven, Williams, Brown and Michejda to the Committee. Chairperson Metzger welcomed them and stated that the Committee would like to see more interagency outreach efforts.

Mr. Din reported on MTA-wide new hires and internal and external EEO complaints. As of September 30, 2012, MTA and its agencies hired a total of 3,107 employees, of which approximately 23% are women and 71% are minorities. Of the total number hired, approximately 41% are African American and approximately 17% are Hispanic. MTA HQ hired the highest percentage of women (49%), and NYC Transit hired the highest percentage of minorities (approximately 80%). Chairperson Metzger said the Committee looks forward to using the 2010 Census data in calculating availability statistics, when it becomes available in 2013.

Mr. Din said during the reporting period, MTA and its agencies handled a total of 326 EEO complaints, of which 177 were filed with outside agencies and 149 were filed internally. A majority of external complaints cited race/color discrimination, disability discrimination and miscellaneous discrimination as basis for the complaint. A majority of internal complaints cited race/color

discrimination, miscellaneous discrimination and sexual harassment as basis for the complaint. Between January and September 2012, MTA and its agencies also handled a total of 33 Title VI complaints, citing 39 separate allegations. Of these complaints, race discrimination was most frequently cited as the basis for the complaint.

Small Business Mentoring Program

Mr. Garner provided an update on MTA's SBMP. He thanked the operating agencies for helping to successfully implement this Program, viewed as a model across the country. As of November 30, 2012, a total of 59 contracts have been awarded, totaling approximately \$33 million. Out of these 59 contracts, 45 contracts were awarded to 39 New York certified M/WBE firms, totaling \$23.6 million. (Six firms have been awarded two contracts each since the Program began.) Of the 39 MWBE firms which received contracts, 10 are also certified DBEs. A total of 160 firms have been pre-qualified and 33 firms are pending pre-qualification. The FTA has approved MTA's Small Business Federal Mentor Program for federally funded contracts -- the first in the nation. Prime contracting opportunities can now be created for MWDBEs, which is the best way to grow these firms.

Mr. Ferrer said the \$23.6 million in contract awards is very impressive. He inquired whether this figure represents contract awards for a one-year period. Mr. Garner said this figure represents contract awards for a two-year period. Chairperson Metzger added that \$23.6 million represents contract awards in the SBMP only. Mr. Garner said that the SBMP provides firms with loans, bonding and training. Firms will learn, earn, and will become equipped to take part in MTA and its agencies' other procurement opportunities. Chairperson Metzger added that the intent of SBMP was to assist firms grow. While it is early to assess the Program, it is functioning the way it was supposed to. She said Skanska Civil is mentoring small firms, including MWDBEs, so they can handle large contracts.

MWDBE Contract Compliance

Ms. Harleston reported on federal and state contract awards as of September 30, 2012. The overall DBE goal for federal fiscal year 2012, starting October 1, 2011, is 17%. Between October 2011 and September 2012, the MTA awarded over \$478 million in federally funded contracts with approximately \$63 million (13%) being awarded to certified DBEs. Over \$297 million was paid to prime contractors in nine completed contracts, with \$43.6 million (15%) being paid to certified DBEs.

Regarding New York State funded contracts, the MTA set an overall MWBE goal of 20% for fiscal year 2012-13. As of September 30, 2012, approximately \$295 million was awarded in state funded contracts with approximately \$76 million (26%) being awarded to certified MWBEs. Over \$477 million was paid to prime contractors, with approximately \$103 million (22%) being paid to MWBEs. Payments during the second reporting quarter increased from 19% to 24%, exceeding MTA's overall MWBE goal.

Ms. Harleston reported on discretionary procurements, which includes purchases of goods, miscellaneous procurements, personal or miscellaneous services that do not exceed \$200,000 and are not federally funded. From April 2012 to September 2012, MTA and its agencies awarded approximately \$143 million in discretionary procurements with over \$6 million (4%) being awarded to MWBEs.

Mr. Garner reported on financial and legal services for the period of April 2012 through September 2012. MBEs were awarded 2% in outside counsel fees, while 12% was awarded to WBEs. MWBE participation in underwriter fees is 15%, with 12% awarded to MBEs and 3% awarded to WBEs.

Chairperson Metzger noted that there has been a great improvement in MWBE participation in this area.

Mr. Garner said the agencies should do a more effective job in assigning cases to certified MWBE law firms. He is working with MTA's General Counsel to increase MTA's pool of certified minority and women-owned law firms.

With respect to the MaBSTOA Pension Plan, MWBE participation is 22.5%, and in the MTA Defined Benefit Pension Plan, MWBE participation is 24.9% within the traditional asset funds.

Ms. Harleston reported on MWDBE participation on MTA's capital projects. For the period January to September 2012, the DBE participation is 15.1%. During the third quarter of calendar year 2012, the DBE goal on one contract was reduced from 17% to 8% due to the nature of utility work involving Con Edison which was performed by the prime contractor. For the same reporting period, MBE participation is 11.3% and WBE participation is 16.1%, exceeding MTA's overall MWBE goal.

Mr. Garner said MTA is exceeding the Governor's MWBE goal of 20% for State agencies and public authorities. Now, the State wants MTA to do even better. Therefore, MTA is looking to maximize opportunities for MWDBEs.

Ms. Williams thanked MTA staff for implementing the discretionary procurement procedure. LIRR is conducting outreach to small businesses, including MWBEs, in order increase participation their participation in this program. Ms. Williams will also join Suffolk County Executive, Steven Bellone, in a special outreach session. In addition an outreach session will be held in Jamaica, New York, in the first quarter of 2013.

Report on the MTA Inter-Agency MWDBE Taskforce

Mr. Garner provided an update on activities of the MWDBE Taskforce as of November 30, 2012. DDCR continues to work with the MTA agencies to improve MWDBE participation. MTA was a major player at the New York State MWBE Forum, held in October 2012 in Albany. MTA's SBMP was touted as the model for the rest of the State. Approximately 1,700 firms attended this event. All MTA agencies were represented at this event, and each discussed upcoming contracting opportunities.

DDCR is also continuing to work with all the agencies to implement the MTA Small Business Federal Mentor Program. Mr. Garner thanked the MTA agencies and the Board for their continued support.

Diversity Committee Charter Review

There were no changes to the Committee Charter.

Adjournment

In concluding the meeting, Chairperson Metzger announced that while she will continue to serve on the Committee, Mr. Ferrer will be the new Committee Chairman. 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

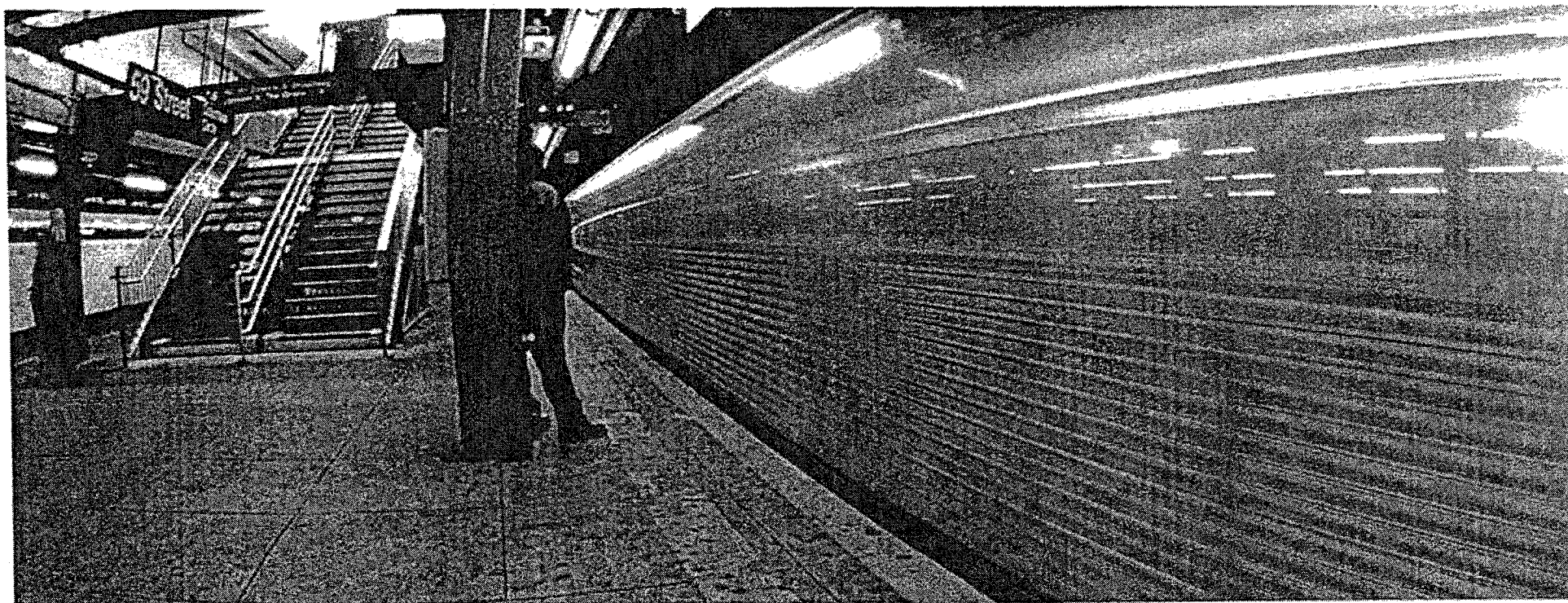
The Department of Diversity/Civil Rights report will address progress made by the Task Force to improve M/W/DBE participation.

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*

March 13, 2013
8:30 A.M.



MTA Department of Diversity/Civil Rights 2013 Departmental Goals Update

March 13, 2013

2013 DEPARTMENTAL GOALS UPDATE

GOALS	STATUS
Small Business Development Program Training – training resumes on March 7, 2013.	Ongoing
The goal of MTA Mentor/Graduate Mentor Programs is to award \$22.5 million during the third year of the Program (July 2012 to July 2013).	\$35.4 million has been awarded from July 2012 to January 2013
Implement MTA Small Business Federal Mentor Program for federally funded contracts. Goal is to award \$10 million during first year of the Program.	First project to be awarded in April 2013
Work with Empire State Development to formulate a procurement strategy for increased awards to M/WBEs.	Ongoing
Finalize implementation of the M/W/DBE Contract Compliance System.	Ongoing
Finalize MTA's Minority Supplier Development Program for subway car and bus manufacturers.	Ongoing
Achieve MTA's M/W/DBE goals.	Ongoing
Implement a mentoring program for Paratransit Service.	Currently in planning stages

MTA Department of Diversity/Civil Rights Diversity and Outreach Report

March 13, 2013

M/W/DBE Outreach Initiatives First Quarter 2013

January

Caribbean American Chamber of Commerce and Industry, Inc. (CACCI) Rev. Dr. Martin Luther King Business
Power Breakfast Meeting
DBE Certification Orientation Session
New Firm Orientation Session
16th Annual Wall Street Project Economic Summit

February

AMENY presents the 37th Annual Legislative Business Development Conference
42nd New York State Black and Puerto Rican Annual Legislator's Conference
Long Island Rail Road Discretionary Procurement Networking Forum
DBE Certification Orientation Session
Small Business Federal Program Orientation Session

March

New Firm Orientation Session
SOMOS 26th Annual Spring Conference
2013 Regional Alliance for Small Contractors Clearinghouse
DBE Certification Orientation Session
MTA Small Business Development Program – Doing Business with the MTA
MTA Small Business Development Program – Estimating & Bidding Strategies at the MTA
MTA Small Business Development Program – Project Scheduling at the MTA
Small Business Bidding Orientation Meeting
EE Cruz & Tully Construction Co., Joint Venture Outreach Event

MTA Agency-Wide Diversity Programs

February

MTA HQ Diversity Council celebrated African American History Month

March

MTA HQ Diversity Council presents Irish Heritage and Women's History Month

April

MTA HQ Diversity Council presents Jewish American Heritage Month



Metropolitan Transportation Authority

MTA Department of Diversity/Civil Rights Certification Activity Report

March 13, 2013

CERTIFICATION APPLICATIONS RECEIVED 2010 – 2012

	2012	2011	2010
January	5	16	4
February	7	11	9
March	12	7	8
April	18	9	11
May	14	3	7
June	11	15	10
July	22	7	8
August	6	11	15
September	12	9	10
October	4	6	10
November	11	12	8
December	8	8	8
TOTAL	130	114	108

CERTIFICATION ACTIVITY FOR NEW APPLICATIONS 2010 - 2012

	2012	2011	2010
CERTIFIED	78	70	70
DENIED	7	12	13
RETURNED	30	21	29
INELIGIBLE	0	0	0
WITHDRAWN	11	9	7
TOTAL	126	112	119

CONTRACT AWARDS TO DBE FIRMS CERTIFIED 2010-2012

- Number of DBE firms certified from 2010-2012: **218**
- Number of DBE firms certified from 2010-2012 receiving federally funded subcontracts: **20**
- Number of federally funded subcontracts for DBE firms certified from 2010-2012: **39**
- Total contract amount awarded to DBE firms certified from 2010-2012 in federally funded contracts: **\$23,013,142**

There were also 14 firms certified as DBE firms during 2010-2012 with dual M/WBE certification that received contract awards on NYS contracts totaling **\$23,898,218**, representing 41 sub-contract awards.

Grand Total: \$46,911,360 (FTA and NYS Contracts)

MTA DEPARTMENT OF DIVERSITY/CIVIL RIGHTS EEO ACTIVITIES YEAR-END 2012

March 13, 2013

OVERVIEW

MTA and its Agencies have conducted an availability analysis of females and minorities. The availability analysis consists of comparing each agency's December 31, 2012 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 December 31, 2012, 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 DECEMBER 31, 2012

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
Job Category	Avail	%	No	Avail	%	No	Avail	%	No	Avail	%	No	Avail	%	No	Avail	%	No	Avail	%	No
Officials & Administrators																					
MTA HQ	36%	37%	Yes	17%	24%	Yes	2%	5%	Yes	9%	11%	Yes	0%	0%	Yes	0%	0%	Yes	1%	2%	Yes
MTA B&T	30%	25%	No	10%	23%	Yes	4%	6%	Yes	6%	9%	Yes	0%	0%	Yes	0%	0%	Yes	1%	1%	Yes
MTA MNR	26%	21%	No	8%	14%	Yes	6%	5%	No	4%	6%	Yes	0%	0%	Yes	1%	0%	No	1%	1%	Yes
MTA LIRR	21%	20%	No	11%	10%	No	6%	7%	Yes	4%	5%	Yes	0%	0%	Yes	0%	0%	Yes	1%	2%	Yes
MTA NYCT	25%	15%	No	12%	35%	Yes	6%	10%	Yes	5%	14%	Yes	0%	0%	Yes	0%	0%	Yes	1%	1%	Yes
MTA CC	10%	21%	Yes	15%	11%	No	11%	6%	No	19%	27%	Yes	0%	0%	Yes	0%	0%	Yes	1%	3%	Yes
MTA Bus	18%	10%	No	14%	28%	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%	33%	Yes	10%	19%	Yes	6%	15%	Yes	10%	22%	Yes	0%	0%	Yes	0%	0%	Yes	1%	0%	No
MTA MNR	45%	40%	No	8%	22%	Yes	5%	10%	Yes	4%	13%	Yes	0%	0%	Yes	0%	0%	Yes	1%	2%	Yes
MTA LIRR	20%	21%	Yes	10%	14%	Yes	7%	7%	Yes	6%	17%	Yes	0%	0%	Yes	0%	0%	Yes	1%	3%	Yes
MTA NYCT	36%	36%	Yes	11%	33%	Yes	7%	8%	Yes	8%	26%	Yes	0%	0%	Yes	0%	0%	Yes	2%	2%	Yes
MTA CC	19%	40%	Yes	4%	32%	Yes	4%	4%	Yes	4%	36%	Yes	0%	0%	Yes	0%	0%	Yes	1%	0%	No
MTA Bus	34%	48%	Yes	10%	25%	Yes	5%	11%	Yes	5%	21%	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 DECEMBER 31, 2012

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%	5%	No	8%	8%	Yes	1%	2%	Yes	0%	0%	Yes	0%	0%	Yes	1%	2%	Yes
MTA B&T	10%	17%	Yes	9%	16%	Yes	6%	20%	Yes	1%	5%	Yes	0%	0%	Yes	0%	0%	Yes	1%	0%	No
MTA MNR	23%	8%	No	4%	19%	Yes	5%	5%	Yes	6%	14%	Yes	0%	0%	Yes	0%	0%	Yes	1%	0%	No
MTA LIRR	9%	11%	Yes	10%	21%	Yes	8%	11%	Yes	6%	5%	No	0%	0%	Yes	0%	0%	Yes	1%	0%	No
MTA NYCT	36%	44%	Yes	11%	48%	Yes	10%	9%	No	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%	10%	No	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%	33%	Yes	21%	22%	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 LIRR	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%	16%	No	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%	17%	Yes	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 DECEMBER 31, 2012

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%	56%	No	10%	6%	No	7%	0%	No	3%	19%	Yes	0%	0%	Yes	0%	0%	Yes	1%	0%	No
MTA LIRR	0%	0%	Yes	0%	0%	Yes	0%	0%	Yes	0%	0%	Yes	0%	0%	Yes	0%	0%	Yes	0%	0%	Yes
MTA NYCT	52%	52%	Yes	13%	62%	Yes	10%	20%	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%	48%	Yes	16%	16%	Yes	5%	3%	No	0%	0%	Yes	0%	0%	Yes	2%	3%	Yes
MTA B&T	61%	59%	No	18%	58%	Yes	19%	26%	Yes	4%	1%	No	0%	0%	Yes	0%	0%	Yes	2%	0%	No
MTA MNR	59%	44%	No	14%	31%	Yes	11%	11%	Yes	4%	4%	Yes	0%	0%	Yes	0%	0%	Yes	1%	2%	Yes
MTA LIRR	35%	48%	Yes	19%	27%	Yes	11%	10%	No	3%	3%	Yes	0%	0%	Yes	0%	0%	Yes	2%	2%	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%	29%	Yes	16%	29%	Yes	4%	0%	No	0%	0%	Yes	0%	0%	Yes	2%	0%	No
MTA Bus	60%	53%	No	21%	30%	Yes	19%	12%	No	7%	6%	No	0%	0%	Yes	0%	0%	Yes	3%	7%	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 DECEMBER 31, 2012

Job Category	Female*			Blacks			Hispanics			Asians			AI/AN**			NHOPI***			Other		
	Est Avail	Actual %	Util Anal Yes/ No	Est Avail	Actual %	Util Anal Yes/ No	Est Avail	Actual %	Util Anal Yes/ No	Est Avail	Actual %	Util Anal Yes/ No	Est Avail	Actual %	Util Anal Yes/ No	Est Avail	Actual %	Util Anal Yes/ No	Est Avail	Actual %	Util Anal Yes/ 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%	42%	Yes	14%	12%	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%	12%	No	6%	9.0%	Yes	0%	0%	Yes	0%	0%	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%	28%	Yes	19%	13%	No	2%	2%	Yes	0%	0%	Yes	0%	0%	Yes	2%	2%	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%	50%	Yes	26%	21%	No	7%	5%	No	0%	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 As of December 2012

- ❖ As of December 31, 2012, MTA and its Agencies hired a total of 4,117 employees.
- ❖ 21% of the total new hires are females.
- ❖ 70.8% of the total new hires are minorities.
- ❖ Of the 70.8% of minorities* hired, 40.6% are black and 16.9% are Hispanic.
- ❖ MTA Bridges & Tunnels hired the highest percentage of females (64%).
- ❖ MTA Bridges & Tunnels hired the highest percentage of minorities (91%).

*Females are included in each of the minority groups.

MTA-WIDE NEW HIRES

As of December 31, 2012

TOTAL NEW HIRES

AGENCY: MTA-WIDE

AGENCY	New Hires	Females*		Minorities		Non-Minorities		Blacks		Hispanics		Asians		AI/ANs		NH/PI		Other	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
MTA HQ	87	42	48.3%	48	55.1%	39	44.9%	24	27.6%	10	11.4%	12	13.8%	0	0.0%	0	0.0%	2	2.3%
MTA B&T	22	14	63.6%	20	90.9%	2	9.1%	8	36.4%	7	31.8%	4	18.2%	0	0.0%	0	0.0%	1	4.5%
MTA MNR	501	81	16.2%	172	34.4%	329	65.6%	75	15.0%	63	12.6%	24	4.8%	2	0.4%	0	0.0%	8	1.6%
MTA LIRR	307	83	27.0%	146	47.5%	161	52.5%	75	24.4%	47	15.3%	17	5.5%	1	0.3%	0	0.0%	6	2.0%
MTA NYCT	2,767	587	21.0%	2,173	79.0%	594	21.0%	1,290	47.0%	479	17.0%	351	13.0%	1	0.0%	1	0.0%	51	2.0%
MTA CC	10	2	20.0%	4	40.0%	6	60.0%	0	0.0%	1	10.0%	3	30.0%	0	0.0%	0	0.0%	0	0.0%
MTA BUS	423	64	15.1%	350	82.7%	73	17.3%	200	47.3%	89	21.0%	46	10.9%	0	0.0%	0	0.0%	15	3.5%
Total:	4117	873	21.2%	2913	70.8%	1204	29.2%	1672	40.6%	696	16.9%	457	11.1%	4	0.1%	1	0.0%	83	2.0%

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

EEO/TITLE VI COMPLAINTS

- During 2012, MTA and its agencies handled a total of 361 EEO complaints, citing 556 separate allegations. *
- Of the 361 complaints, 169 were filed externally at city, state and federal agencies and 192 were filed internally.
- Of the 169 external complaints, disability (23%), other** types of miscellaneous discrimination (21%), and race/color discrimination (20%) were most frequently cited as the basis for the complaint.
- Of the 192 internal complaints, other** types of miscellaneous discrimination (21%), sexual harassment (24%) and race/color (28%) were most frequently cited as the basis for the complaint.
- During 2012, MTA and its agencies handled a total of 43 Title VI complaints, citing 50 separate allegations. Of these 43 complaints, race discrimination (68%) 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.

EEO/TITLE VI COMPLAINTS*

FOR 2012

EEO DISCRIMINATION COMPLAINTS EXTERNAL

AGENCY	RACE COLOR	SEXUAL HARASS.	AGE	GENDER	RELIGION	NATIONAL ORIGIN	DISABILITY	OTHER**	TOTAL ISSUES	TOTAL CASES***
MTA	5	0	1	4	0	4	4	2	20	12
B&T	2	0	1	4	1	0	7	6	21	14
MNR	6	1	5	2	1	5	6	7	33	18
LIRR	5	0	2	1	2	3	4	3	20	10
NYCT	40	2	24	20	10	19	47	44	206	118
CC	0	0	0	0	0	0	0	0	0	0
MTA BUS	2	1	0	0	0	0	3	0	6	6
TOTAL	60	4	33	31	14	31	71	62	306	178
	20%	1%	11%	10%	5%	10%	23%	20%		

EEO DISCRIMINATION COMPLAINTS INTERNAL

AGENCY	RACE COLOR	SEXUAL HARASS.	AGE	GENDER	RELIGION	NATIONAL ORIGIN	DISABILITY	OTHER**	TOTAL ISSUES	TOTAL CASES***
MTA	5	6	1	4	0	2	0	5	23	16
B&T	2	0	0	1	0	0	1	0	3	4
MNR	20	16	4	6	2	3	4	14	69	51
LIRR	2	3	0	0	0	1	0	4	10	7
NYCT	35	37	6	13	5	8	3	33	145	97
CC	0	0	1	0	0	0	0	0	1	1
MTA BUS	10	2	0	0	0	0	1	0	13	12
TOTAL	74	64	12	29	7	14	9	56	265	192
	28%	24%	5%	11%	3%	5%	3%	21%		

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	9	0	2	0	11	9	0
MTA LIRR	8	0	0	0	8	8	0
MTA NYCT	11	6	2	0	19	19	10
MTA CC	0	0	0	0	0	0	0
MTA BUS	6	1	5	0	12	7	1
TOTAL	34	7	9	0	50	43	10
	68%	14%	18%	0%			

*These complaints include those filed 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 SMALL BUSINESS MENTORING PROGRAM UPDATE

March 13, 2013

MTA Small Business Mentoring Program Update

as of January 31, 2013

- **A total of 60 contracts have been awarded, totaling \$35.4 million.**
- **Forty-five of these contracts were awarded to 39 New York State certified M/WBE firms,* totaling over \$23.6 million.**
- **Of these 39 M/WBE firms, 10 are also certified DBEs.**
- **160 firms have been pre-qualified.**
- **33 firms are pending pre-qualification.**

***Six firms were awarded two contracts each since the Program began awarding contracts on November 29, 2010.**

**M/W/DBE CONTRACT COMPLIANCE
ALL PROJECTS
Fourth Quarter 2012 Update**

March 13, 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 December 2012, over \$209 million was awarded as the federally-funded portion of contracts, with \$29.8 million (14%) being awarded to certified DBEs.
- From October 2012 through December 2012 over \$8.5 million was paid to a prime contractor for one completed federally funded contract. Payments to certified DBEs totaled \$1.5 million (18%).

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

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

AWARDS

CONTRACT AWARDS	PRIME AWARDS		DBE PARTICIPATION			OVERALL FTA GOAL
	Number of Contracts	Award Amount	Number of DBE Contracts	DBE Award Amount	% of Agency Total	
1st SEMI-ANNUAL REPORT	11	\$209,310,296	31	\$29,817,690	14%	17%
October 2012 - December 2012						
TOTAL	11	\$209,310,296	31	\$29,817,690	14%	17%

PAYMENTS

PAYMENTS ON COMPLETED CONTRACTS	PAYMENTS TO PRIMES		DBE PARTICIPATION			OVERALL FTA GOAL
	Number of Contracts	Payment Amount	Number of Subcontracts	DBE Payment Amount	% of Agency Total	
1st SEMI-ANNUAL REPORT	1	\$8,509,000	1	\$1,530,000.00	18%	17%
October 2012 - December 2012						
TOTAL	1	\$8,509,000	1	\$1,530,000	18%	17%

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

DBE CONTRACT AWARDS
FEDERAL FISCAL YEAR 2009
October 2008 - September 2009

	Total Awards	Total DBE Awards	DBE%
October 2008 - March 2009	\$310,899,970	\$33,855,982	11%
April 2009 - September 2009	\$1,201,405,727	\$121,833,086	10%
Total 2009	\$1,512,305,697	\$155,689,068	10%

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%

**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.
- From April 2012 through December 2012 approximately \$590 million was awarded in NY state funded contracts, with over \$154 million (26%) awarded to certified MWBEs.
- From April 2012 through December 2012 over \$906.5 million was paid on prime contracts with approximately \$196 million (22%) paid to MWBEs.

**NYS CONTRACTS
MWBE CONTRACT ACTIVITY
APRIL 2012 – DECEMBER 2012**

AWARDS

CONTRACT AWARDS	PRIME AWARDS		MWBE AWARDS			NYS Goal
	Number of Contracts	Award Amount	Number of Subcontracts	MWBE Award Amount	MWBE %	
FIRST QUARTER APRIL 2012-JUNE 2012	555	\$127,257,440	600	\$39,130,564	31%	20%
SECOND QUARTER JULY 2012-SEPTEMBER 2012	469	\$215,936,782	535	\$46,701,986	22%	20%
THIRD QUARTER OCTOBER 2012-DECEMBER 2012	527	\$246,752,496	607	\$68,224,302	28%	20%
TOTAL	1,551	\$589,946,718	1,742	\$154,056,852	26%	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 APRIL 2012-JUNE 2012	690	\$359,164,512	966	\$65,867,316	18%	20%
SECOND QUARTER JULY 2012-SEPTEMBER 2012	766	\$279,965,925	1,094	\$65,991,146	24%	20%
THIRD QUARTER OCTOBER 2012-DECEMBER 2012	791	\$267,401,199	1,081	\$64,107,258	24%	20%
TOTAL	2,247	\$906,531,635	3,141	\$195,965,720	22%	20%

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 (3 QUARTERS)

April 2012 - December 2012

	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%
TOTALS		\$906,531,635.09	\$101,552,113.30	11%	\$94,413,606.24	10%	\$195,965,719.53	22%

**MTA ALL AGENCY
DISCRETIONARY PROCUREMENT REPORT***

April 2012 -December 2012

Agency	Total Award Amount**	Total MWBE Award Amount	% of Total Award	MWBE Discretionary Award Amount	% of Total Award
MTA NYCTA	\$121,329,670	\$11,034,702	9%	\$7,491,095	6%
MTA MNR	\$34,552,701	\$2,726,952	8%	\$627,067	2%
MTA B&T	\$5,246,424	\$847,100	16%	\$117,155	2%
MTA LIRR	\$29,353,570	\$2,441,205	8%	\$1,180,770	4%
MTA HQ	\$6,221,961	\$710,637	11%	\$203,608	3%
MTA CC	\$598,333	\$44,946	8%	\$14,939	3%
MTA BUS	\$17,053,974	\$387,604	2%	\$34,733	0%
Total	\$214,356,633	\$18,193,147	8%	\$9,669,366	5%

* 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.

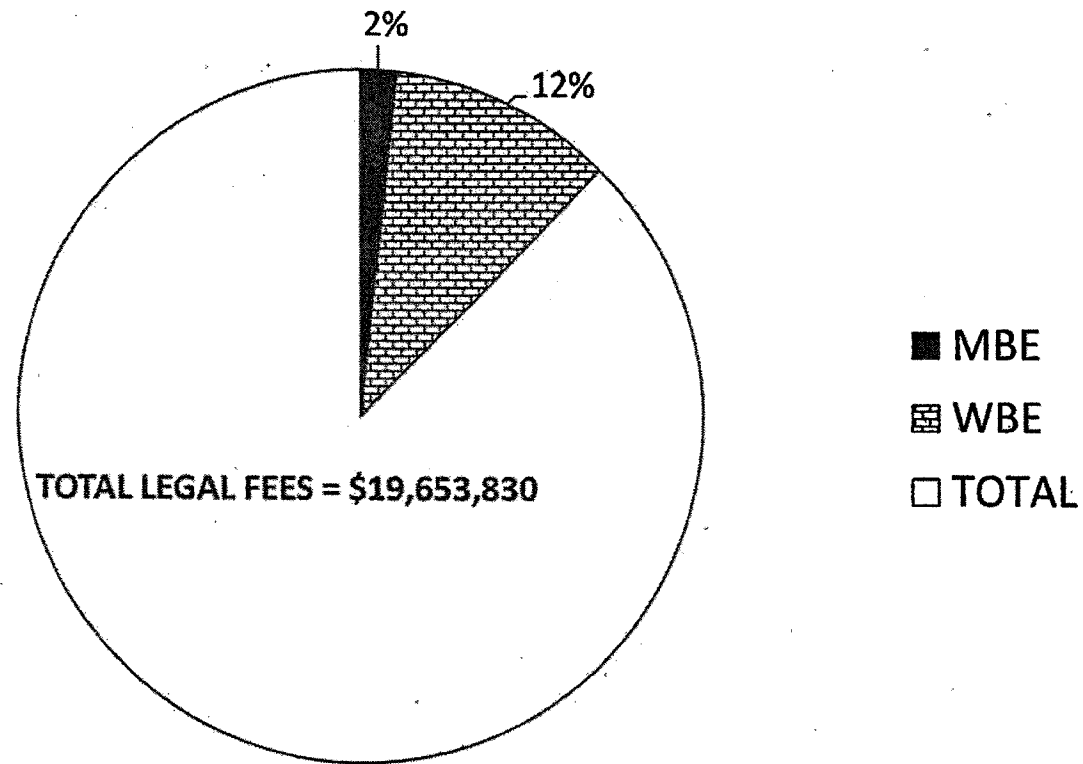


Metropolitan Transportation Authority

FINANCIAL AND LEGAL SERVICES

March 13, 2013

MTA ALL AGENCY LEGAL FEES April 2012- December 2012



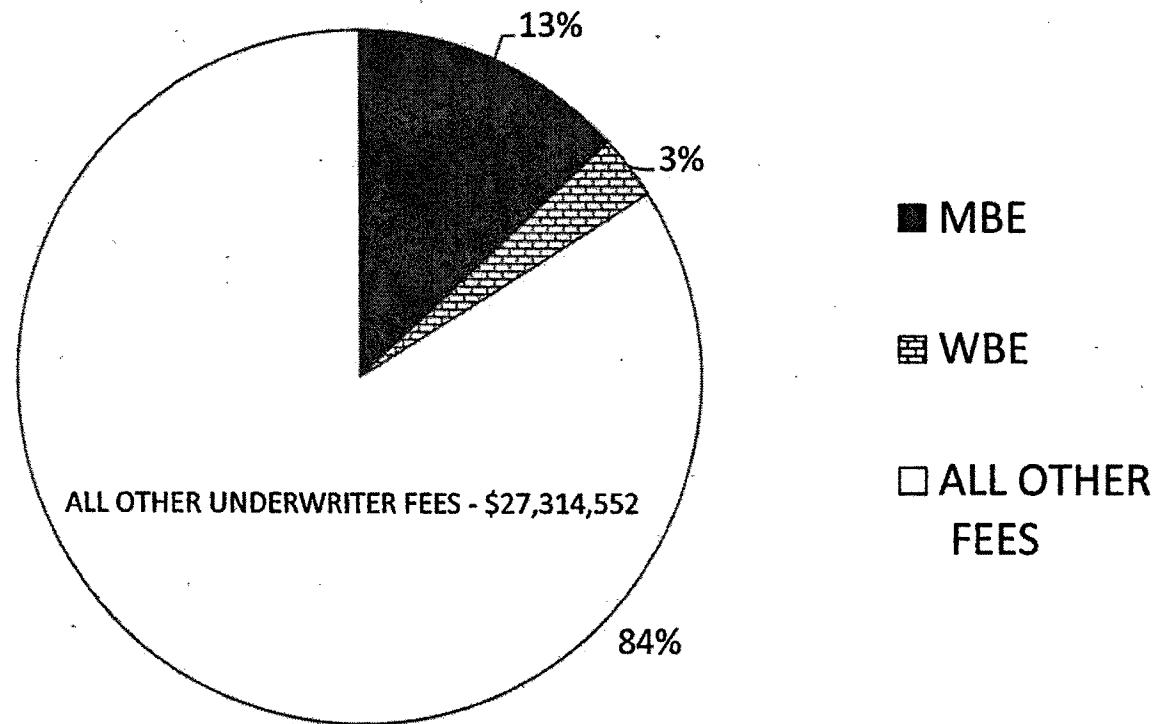
10% MBE GOAL
10% WBE GOAL

Actual MBE Participation = \$317,710 or 2%
Actual WBE Participation = \$2,357,910 or 12%

**MTA ALL AGENCY LEGAL FEES PAID
APRIL THROUGH DECEMBER 2012**

<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	\$785,240	\$0	0%	\$24,130	3%
LIRR	\$786,244	\$4,331	1%	\$0	0%
MTA BUS	\$3,210,112	\$0	0%	\$464,826	15%
MTACC	\$1,241,488	\$0	0%	\$1,002,407	81%
MTAHQ	\$5,193,574	\$0	0%	\$80,743	2%
MNR	\$993,849	\$3,087	0%	\$17,033	2%
NYCTA	\$7,443,322	\$310,292	4%	\$768,772	10%

MTA ALL AGENCIES UNDERWRITER FEES April 2012-December 2012



10% MBE GOAL
10% WBE GOAL

Total Underwriter Fees = \$32,282,390 or 100%
Actual MBE Participation = \$4,039,138 or 13%
Actual WBE Participation = \$928,700 or 3%

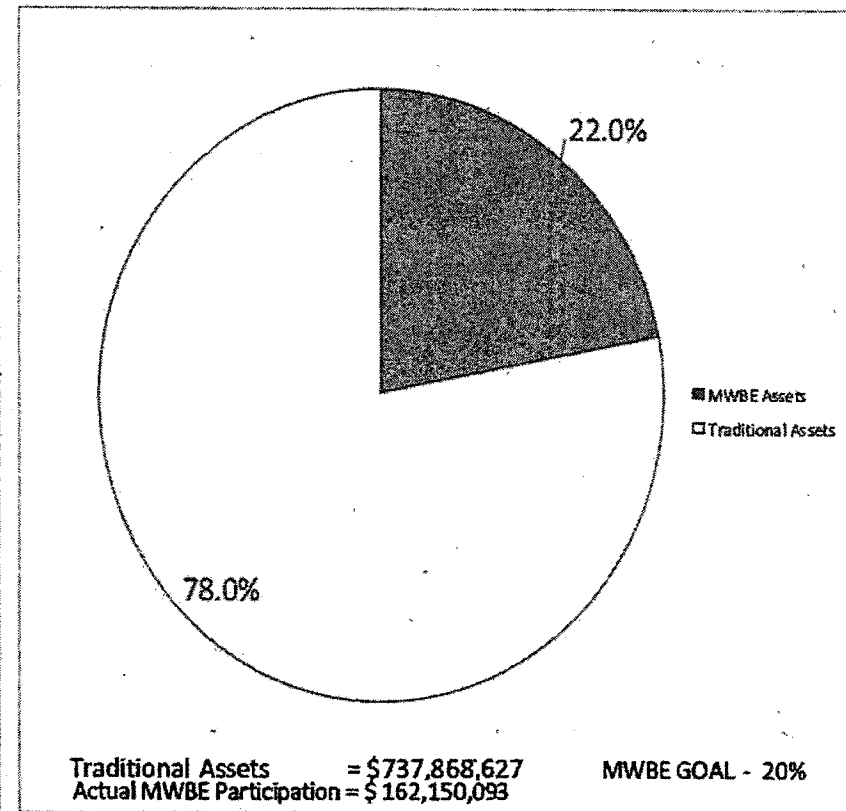
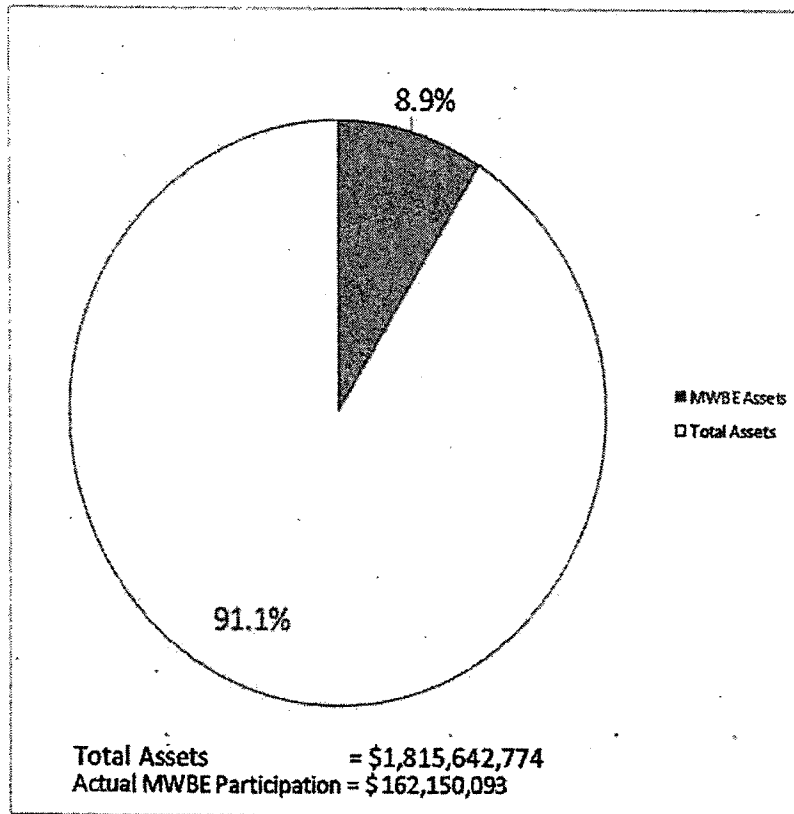


Metropolitan Transportation Authority

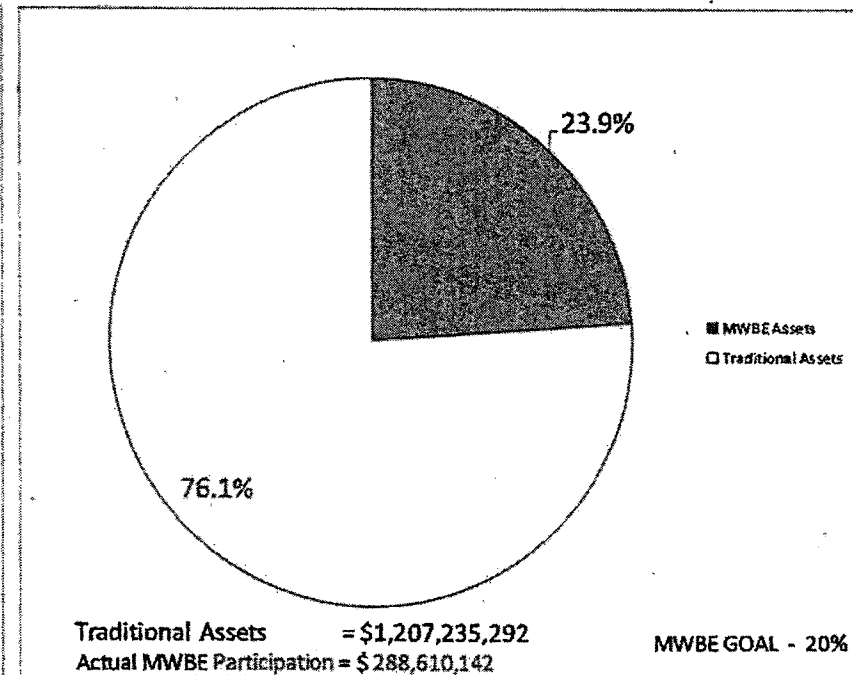
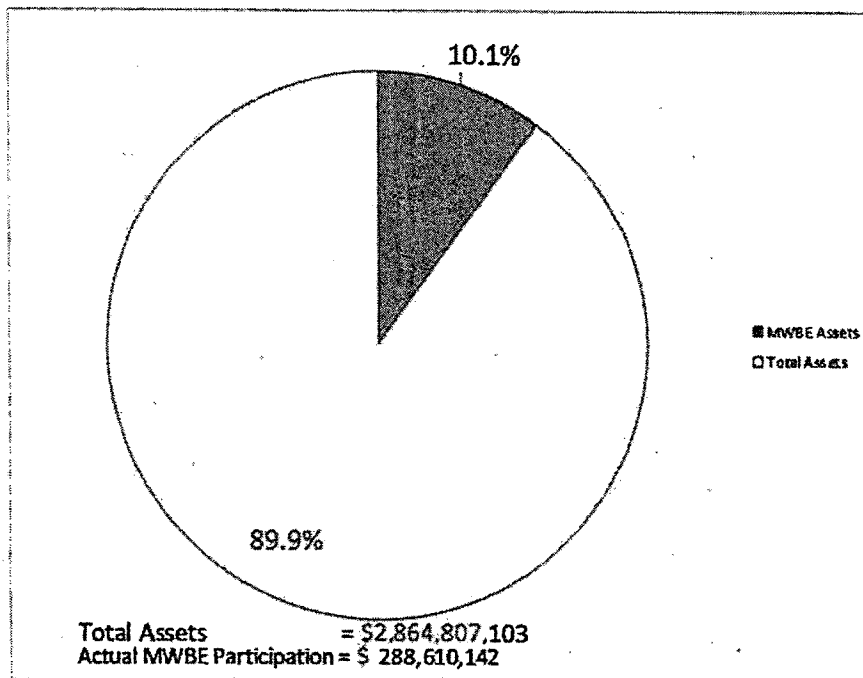
MTA ASSET FUND MANAGERS

March 13, 2013

Asset Fund Managers
MTA MaBSTOA Pension Plan
As of 12/31/12



Asset Fund Managers
MTA Defined Benefit Pension Plan
Including LIRR Additional Plan
As of 12/31/12



* Traditional assets include domestic equities, international equities, emerging market equities as well as fixed income. In previous presentations, international equities and emerging market equities were excluded from the group of traditional assets.



Metropolitan Transportation Authority

**MTA CAPITAL PROJECTS
M/W/DBE AWARDS
JANUARY- DECEMBER 2012**

MWDBE AWARDS ON MTA CAPITAL PROJECTS with GOALS

January - December 2012

ALL PROJECTS

FEDERALLY FUNDED	FIRST QUARTER (JANUARY-MARCH) (in millions)			SECOND QUARTER (APRIL-JUNE) (in millions)			THIRD QUARTER (JULY-SEPTEMBER) (in millions)			FOURTH QUARTER (OCTOBER-DECEMBER) (in millions)			2012 TOTALS (JANUARY-DECEMBER 2012) (in millions)		
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 (%)	Total Awards	Total DBE Awards	DBE Participation (%)
Construction	\$ 312.2	\$ 31.4	10.1%	\$ 337.9	\$ 67.3	19.9%	\$ 94.2	\$ 12.1	12.9%	\$ 213.2	\$ 30.7	14.4%	\$ 957.4	\$ 141.5	14.6%
Professional Services	\$ -	\$ -	-	\$ 15.0	\$ 2.6	17.0%	\$ 13.1	\$ 3.0	22.7%	\$ -	\$ -	-	\$ 28.1	\$ 5.5	20%
Other	\$ -	\$ -	-	\$ 1.6	\$ 0.3	20.1%	\$ -	\$ -	-	\$ -	\$ -	-	\$ 1.6	\$ 0.3	20%
TOTAL	\$ 312.2	\$ 31.4	10.1%	\$ 354.5	\$ 70.2	19.6%	\$ 107.3	\$ 15.1	14.1%	\$ 213.2	\$ 30.7	14.4%	\$ 987.1	\$ 147.3	14.8%
Additional MWBE Participation:	Total Awards	Total MWBE Awards		Total Awards	Total MWBE Awards		Total Awards	Total MWBE Awards		Total Awards	Total MWBE Awards		Total Awards	Total MWBE Awards	
Construction	\$ 312.2	\$ 19.0		\$ 337.9	\$ 29.2		\$ 94.2	\$ 2.3		\$ 213.2	\$ 29.2		\$ 957.5	\$ 79.7	
Professional Services	\$ -	\$ -		\$ -	\$ -		\$ 13.1	\$ 1.8		\$ -	\$ -		\$ 13.1	\$ 1.8	
Other	\$ -	\$ -		\$ 1.6	\$ 0.3		\$ -	\$ -		\$ -	\$ -		\$ 1.6	\$ 0.3	
Total	\$ 312.2	\$ 19.0		\$ 339.5	\$ 29.5		\$ 107.3	\$ 4.1		\$ 213.2	\$ 29.2		\$ 972.2	\$ 81.8	

STATE FUNDED	FIRST QUARTER (JANUARY-MARCH) (in millions)			SECOND QUARTER (APRIL-JUNE) (in millions)			THIRD QUARTER (JULY-SEPTEMBER) (in millions)			FOURTH QUARTER (OCTOBER-DECEMBER) (in millions)			2012 TOTALS (JANUARY-DECEMBER 2012) (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 (%)	Total Awards	Total MBE Awards	MBE Participation (%)
Construction	\$ 146.1	\$ 11.0	7.5%	\$ 46.5	\$ 4.8	9.8%	\$ 143.3	\$ 14.0	9.8%	\$ 206.5	\$ 30.8	14.9%	\$ 542.3	\$ 60.3	11.1%
Professional Services	\$ 5.7	\$ 0.8	10.0%	\$ 25.8	\$ 2.6	10.1%	\$ 12.9	\$ 1.3	10.4%	\$ 21.0	\$ 2.1	10.1%	\$ 65.3	\$ 6.8	10.1%
Other	\$ -	\$ -	-	\$ -	\$ -	-	\$ 43.8	\$ 1.9	4.3%	\$ 4.3	\$ 0.6	13.7%	\$ 48.1	\$ 2.45	5.1%
MBE Participation on FTA-funded projects	\$ -	\$ 7.7		\$ -	\$ 4.0		\$ -	\$ 2.5		\$ -	\$ 23.1		\$ -	\$ 37.4	
TOTAL	\$ 151.8	\$ 19.3	12.7%	\$ 72.1	\$ 11.1	15.4%	\$ 200.0	\$ 19.74	10%	\$ 231.8	\$ 56.81	24.4%	\$ 655.7	\$ 106.8	16.1%
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 (%)	Total Awards	Total WBE Awards	WBE Participation (%)
Construction	\$ 146.1	\$ 9.2	6.3%	\$ 46.5	\$ 5.6	12.1%	\$ 143.3	\$ 11.0	7.7%	\$ 206.5	\$ 19.0	9.2%	\$ 542.4	\$ 44.9	8.3%
Professional Services	\$ 5.7	\$ 0.6	10.0%	\$ 25.8	\$ 2.7	10.4%	\$ 12.9	\$ 1.4	10.5%	\$ 21.0	\$ 3.0	14.5%	\$ 65.3	\$ 7.6	11.7%
Other	\$ -	\$ -	0.0%	\$ -	\$ -	0.0%	\$ 43.8	\$ 0.9	2.2%	\$ 4.3	\$ 0.6	13.7%	\$ 48.1	\$ 1.53	3.2%
WBE Participation on FTA-funded projects	\$ -	\$ 11.3		\$ -	\$ 25.6		\$ -	\$ 1.5		\$ -	\$ 8.1		\$ -	\$ 44.5	
TOTAL	\$ 151.8	\$ 21.1	13.8%	\$ 72.1	\$ 33.8	46.9%	\$ 200.0	\$ 14.9	7.4%	\$ 231.8	\$ 28.7	12.4%	\$ 655.75	\$ 98.6	15.0%
Additional DBE Participation:	Total Awards	Total DBE Awards		Total Awards	Total DBE Awards		Total Awards	Total DBE Awards		Total Awards	Total DBE Awards		Total Awards	Total DBE Awards	
Construction	\$ 146.1	\$ 6.2		\$ 46.5	\$ 1.5		\$ 143.3	\$ 15.3		\$ 206.5	\$ 40.4		\$ 542.3	\$ 63.4	
Professional Services	\$ -	\$ -		\$ 25.7	\$ 5.0		\$ 12.9	\$ 2.1		\$ 20.2	\$ 3.8		\$ 58.8	\$ 10.9	
Other	\$ -	\$ -		\$ -	\$ -		\$ -	\$ 0.0		\$ 4.3	\$ 0.5		\$ 4.3	\$ 0.5	
Additional DBE Participation Total	\$ 146.1	\$ 6.2		\$ 72.2	\$ 6.5		\$ 156.2	\$ 17.4		\$ 231.0	\$ 44.7		\$ 805.5	\$ 74.8	

* During the first quarter, due to specialized nature of the project involving underground track, signal, power and communication systems for NYCT, contract #C-2009, totaling \$261.9 million, the prime contractor was required to perform a majority of the work with its own workforce. Due to the limited number of qualified DBEs in these areas, the 17% DBE goal was reduced to 8%.

**During the first quarter, based on the limited availability of qualified MWBEs in communication, electrical and mechanical areas for NYCT contract #W-32686R, totaling \$105 million, involving VHF radio system upgrade the 20% MWBE goal was reduced to 10% on this project.

*** NYS credits awards for MWBE participation on Federally funded projects. Therefore, in June 2012, the MTA awarded a federally funded capital construction project, (Second Avenue Subway, 96th Street Station - C-26010), to EE Cruz/Tully, a Joint Venture, totaling \$326 million. In addition to the 20% DBE goal established on the project, EE Cruz/Tully awarded an additional \$28.9 million to 17 NYS certified MWBEs.

****During the second quarter (August), the DBE goal was reduced on contract # CM013A (construction) from 17% to 8% due to the specialized type of work (55th Street ventilation facility for the East Side Access project) and the lack of qualified/certified DBEs available to perform within the marketplace.

***** During the third quarter (September), the prime contractor New Flyer of America Inc. was awarded a contract to supply 90 Low Floor 60-ft Clean buses, totaling \$63,689,941. Because MTA NYC Transit indicated that \$37,912,214 was being awarded as a sole source, the 20% MWBE goal is being applied to \$25,778,027. The firm New Flyer of America Inc. submitted a MWBE plan totaling less than 1% MWBE inclusion. As a condition of the contract award, the firm has agreed to work with DDCR during the life of the contract in order to achieve the goal.

*****During the fourth quarter, the prime contractors performed a substantial portion of the contract due to the specialized nature of work.

*****During 2012, MTA provided MWDBEs contracting opportunities totaling approximately \$167 million.

MTAHQ POLICY

EQUAL EMPLOYMENT OPPORTUNITY

The Metropolitan Transportation Authority ("MTA") is fully committed to equal employment opportunity for all employees and applicants for employment without unlawful regard to race, color, religion, creed, national origin, ancestry, sex, sexual orientation, age, disability, predisposing genetic characteristic, gender identity, gender expression, domestic violence victim status, military or marital status or arrest/conviction records. This Policy applies to all personnel actions, including but not limited to promotion, demotion, transfer, recruitment, layoff or other discharge, recall, rates of pay, benefits and selection for training. Further, the MTA expressly prohibits any form of unlawful harassment based on race, color, religion, creed, national origin, ancestry, sex, sexual orientation, age, disability, predisposing genetic characteristic, gender identity, gender expression, domestic violence victim status, military or marital status or arrest/conviction records. Such unlawful interference with the ability of the MTA's employees to perform their expected job duties is not tolerated.

The MTA is fully committed to complying with all applicable laws for establishing and implementing a program providing equal employment opportunities for all employees and applicants for employment. The MTA has developed an equal employment opportunity program, setting goals with timetables to provide minorities and women equal opportunities in its workforce. All managers and supervisors are responsible for implementing this program. This responsibility is measured in the same manner as their performance toward other business objectives. The successful achievement of this program will provide benefits to MTA through fuller utilization and development of minorities and women employees.

All employees and applicants for employment shall be protected from retaliation or harassment for filing a complaint or participating in an investigation of a complaint. Reprisal against or interference with an employee's or applicant's right to file a complaint concerning such matters constitutes a violation of this Policy.

Michael J. Garner, Chief Diversity Officer, is responsible for coordinating the MTA's equal employment opportunity program. If you believe you have been subjected to a violation of this Policy in your employment or application for employment, you may contact your immediate supervisor, a higher level supervisor or Mr. Garner at 2 Broadway, 16th Floor, New York, NY 10004. Mr. Garner can be reached by telephone at (646) 252-1385. A supervisor who receives a complaint under this Policy should immediately contact Mr. Garner. If you wish to file a complaint, you should contact Mr. Garner at the above address or phone number. In addition, an employee or an applicant for employment may contact the Department of Diversity and Civil Rights at (646) 252-1373 in order to file a complaint. The Department of Diversity and Civil Rights will promptly initiate a thorough and impartial inquiry.

MTAHQ POLICY

EQUAL EMPLOYMENT OPPORTUNITY (Continued)

If, for any reason, you do not wish to bring your complaint to a supervisor, to Mr. Garner, or to the Department of Diversity and Civil Rights, then you should report the matter to the MTA Chief of Staff, who will promptly initiate a thorough and impartial inquiry. The Chief of Staff, with my approval, may delegate the inquiry to another person. In all cases, confidentiality will be maintained throughout the investigation to the extent practical and consistent with the MTA's obligation to undertake a full inquiry and to make a determination. In addition, all employees are required to fully cooperate during the conduct of such an investigation.

If it is determined that a violation of this Policy has occurred, the MTA will take immediate action to remedy the situation. Any employee who is found to have violated this Policy or any supervisory or managerial employee who knowingly permits a violation of this Policy to occur may be subject to disciplinary action, up to and including dismissal from employment. Such an employee may also be subject to personal legal and financial liability.

In addition to the complaint procedures described above, complaints may be filed with the New York State Division of Human Rights or the United States Equal Employment Opportunity Commission.

This Policy is to be posted in prominent locations throughout the MTA's facilities.



Thomas F. Prendergast
Interim Executive Director

MTAHQ POLICY

SEXUAL AND OTHER DISCRIMINATORY HARASSMENT

Sexual or other discriminatory harassment in the workplace is illegal and all employees, vendors, visitors and applicants for employment are prohibited from engaging in any such activity. It is the Policy of the Metropolitan Transportation Authority ("MTA") that all employees have the right to work in an environment free from any form of discriminatory harassment or intimidation, either physical or verbal, by any other employee, vendor, visitor or applicant for employment. The MTA will not tolerate sexual or any other form of discriminatory harassment and violators of this Policy will be subject to disciplinary action, including but not limited to termination of employment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, or
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

1. The victim and the harasser may be a woman or a man.
2. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee.
3. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
4. The harasser's conduct must be unwelcome.

Examples of sexual harassment include, but are not limited to:

- a demand for sexual favors that is accompanied by a promise of favorable job treatment or a threat concerning the employee's or applicant's employment;
- pressure for sexual favors, including implying or threatening that an applicant's or employee's cooperation of a sexual nature (or refusal thereof) will have any effect on the person's employment, job assignment, wages, promotion, or on any other conditions of employment or future job opportunities; or

MTAHQ POLICY

SEXUAL AND OTHER DISCRIMINATORY HARASSMENT (Continued)

- o unwelcome conduct of an offensive nature, such as continual sexual propositions, slurs or innuendoes directed at the employee or applicant, uninvited physical contact, or repeated vulgar or demeaning comments, whether written, oral or sent by e-mail, directed toward the employee or applicant and others of his/her gender.

Harassment does not have to be of a sexual nature, however, and can include other forms of harassment. Other forms of discriminatory harassment consist of unwelcome conduct that is based on race, color, religion, creed, national origin, ancestry, sex, sexual orientation, age, disability, predisposing genetic characteristic, gender identity, gender expression, domestic violence victim status, military or marital status, arrest/conviction records or any other legally protected basis, that has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment.

All employees, visitors, vendors and applicants for employment shall be protected from retaliation for filing a complaint or participating in an investigation of a complaint. Reprisal against or interference with an employee's, visitor's, vendor's or applicant's right to file a complaint concerning such matters constitutes a violation of this Policy.

Michael J. Garner, Chief Diversity Officer, is responsible for coordinating this Policy. If you believe you have been subjected to a violation of this Policy in your employment or application for employment, you may contact your immediate supervisor, a higher level supervisor or Mr. Garner at 2 Broadway, 16th Floor, New York, NY 10004. Mr. Garner can be reached by telephone at (646) 252-1385. A supervisor who receives a complaint under this Policy, should immediately contact Mr. Garner. If you wish to file a complaint, you should contact Mr. Garner at the above address or phone number. In addition, an employee or applicant may contact the Department of Diversity and Civil Rights at (646) 252-1373 in order to file a complaint.

The Department of Diversity and Civil Rights will promptly initiate a thorough and impartial inquiry.

If, for any reason, you do not wish to bring your complaint to a supervisor, to Mr. Garner, or to the Department of Diversity and Civil Rights, then you should immediately report the matter to the MTA Chief of Staff, who will promptly initiate a thorough and impartial inquiry. The Chief of Staff, with my approval, may delegate the inquiry and determination to another person. In all cases, confidentiality will be maintained

MTAHQ POLICY


SEXUAL AND OTHER DISCRIMINATORY HARASSMENT (Continued)

throughout the investigation to the extent practical and consistent with the MTA's obligation to undertake a full inquiry and to make a determination. In addition, all employees are required to fully cooperate during the conduct of such an investigation. The MTA Equal Employment Opportunity Policy also contains pertinent information relating to claims of discrimination.

If it is determined that a violation of this Policy has occurred, the MTA will take immediate action to remedy the situation. Any employee who is found to have violated this Policy or any supervisor or managerial employee who knowingly permits a violation of this Policy to occur may be subject to disciplinary action, up to and including dismissal from employment. Such an employee may also be subject to personal legal and financial liability.

In addition to the complaint procedures described above, complaints may be filed with the New York State Division of Human Rights or the United States Equal Employment Opportunity Commission.

This Policy is to be posted in prominent locations throughout the MTA's facilities.



Thomas F. Prendergast
Interim Executive Director

MTAHQ POLICY

AMERICANS WITH DISABILITIES ACT

The Metropolitan Transportation Authority ("MTA") is fully committed to equal opportunity for all employees and applicants for employment and prohibits discrimination on the basis of disability in all of its employment practices. Such unlawful interference with the ability of the MTA's employees to perform their expected job duties is not tolerated. The Americans with Disabilities Act ("ADA") requires MTA to make reasonable accommodations to qualified applicants and employees with disabilities under certain circumstances. The MTA recognizes this obligation and has adopted guidelines to ensure its compliance with the ADA.

To request a reasonable accommodation for a disability relating to your employment or application for employment with the MTA, please contact Leon Goodman, Assistant Director, Staffing and Employee Relations, MTA Human Resources Department, 347 Madison Avenue, 6th Floor, New York, NY 10017, at (212) 878-7275.

All employees and applicants for employment shall be protected from retaliation or harassment for filing a complaint or participating in an investigation of a complaint. Reprisal against or interference with an employee's or applicant's right to file a complaint concerning such matters constitutes a violation of this Policy.

Michael J. Garner, Chief Diversity Officer, is responsible for coordinating this Policy. If you believe you have been subjected to a violation of this Policy in your employment or application for employment with the MTA, you may contact your immediate supervisor, a higher level supervisor or Mr. Garner at 2 Broadway, 16th Floor, New York, NY 10004. Mr. Garner can be reached by telephone at (646) 252-1385. A supervisor who receives a complaint under this Policy should immediately contact Mr. Garner. If you wish to file a complaint, you should contact Mr. Garner at the above address or phone number. In addition, an employee or applicant may contact the Department of Diversity and Civil Rights at (646) 252-1373 in order to file a complaint. The Department of Diversity and Civil Rights will promptly initiate a thorough and impartial inquiry.

If, for any reason, you do not wish to bring your complaint to a supervisor, to Mr. Garner, or to the Department of Diversity and Civil Rights, then you should immediately report the matter to the MTA Chief of Staff, who will promptly initiate a thorough and impartial inquiry. The Chief of Staff, with my approval, may delegate the inquiry and determination to another person. In all cases, confidentiality will be maintained throughout the investigation to the extent practical and consistent with the MTA's obligation to undertake a full inquiry and to make a determination. In addition, all employees are required to fully cooperate during the conduct of such an investigation.

The MTA Equal Employment Opportunity Policy also contains pertinent information relating to claims of discrimination.

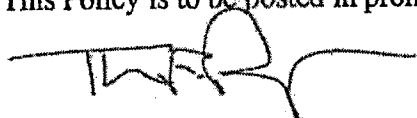
MTAHQ POLICY

AMERICANS WITH DISABILITIES ACT (Continued)

If it is determined that a violation of this Policy has occurred, the MTA will take immediate action to remedy the situation. Any employee who is found to have violated this Policy or any supervisor or managerial employee who knowingly permits a violation of this Policy to occur may be subject to disciplinary action, up to and including dismissal from employment. Such an employee may also be subject to personal legal and financial liability.

In addition to the complaint procedures described above, complaints may be filed with the New York State Division of Human Rights or the United States Equal Employment Opportunity Commission.

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Thomas F. Prendergast
Interim Executive Director