



**Metropolitan Transportation Authority**

# **Corporate Governance Committee Meeting**

## **March 2022**

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### **Committee Members**

J. Lieber, Chair

J. Barbas

F. Borelli

R. Herman

K. Law

D. Mack

H. Mihaltses

N. Zuckerman

**Corporate Governance Committee Meeting**  
**2 BROADWAY 20TH FLOOR BOARD ROOM NEW YORK, NY 10004**

**Monday, 3/28/2022**

**2:30 - 3:00 PM ET**

**1. PUBLIC COMMENTS PERIOD**

**2. APPROVAL OF MINUTES- NOVEMBER 15, 2021**

*Minutes of Meeting -November 15 2021 - Page 3*

**3. REVIEW AND APPROVE PROCUREMENT GUIDELINES**

*Staff Summary Procurement Guidelines - Page 5*

*All Agency General Contract Procurement Guidelines March 2022 Revisions - Page 6*

*All Agency Service Contract Procurement Guidelines March 2022 Revisions - Page 21*

**4. REVIEW AND APPROVE MISSION STATEMENT AND PERFORMANCE MEASUREMENT REPORT**

*Staff Summary Mission Statement and Measurement Report - Page 35*

*2021 Mission Statement and Performance Measurement Report - Page 36*

**5. REVIEW AND APPROVE MTA POLICIES IN CONNECTION WITH PROVISIONS OF THE PUBLIC AUTHORITIES LAW**

*Staff Summary Public Authorities Law Required Policies - Page 71*

**6. OTHER BUSINESS**

**MINUTES OF THE MEETING**  
**MTA Corporate Governance Committee**  
**November 15, 2021**  
**2 Broadway – 20<sup>th</sup> Floor**  
**New York, New York**

The following MTA Corporate Governance Committee members were present:

Hon. Janno Lieber, Chairman  
Hon. Rhonda Herman  
Hon. Robert Linn

The following MTA Corporate Governance Committee members were absent:

Hon. Lawrence Schwartz  
Hon. Frank Borelli

The following MTA staff attended the meeting:

Lamond W. Kears, Chief Compliance Officer  
Paige Graves, General Counsel

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Chairman Lieber called the November 15, 2021 meeting of the MTA Corporate Governance Committee to order at 3:15p.m.

**Public Comments Period**

The following speaker commented during the public speaker's session: Jason Anthony, private citizen.

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of speakers' statements.

**Approval of Minutes**

Upon motion duly made and seconded, the Committee approved the minutes of the Committee meeting held on March 17, 2021.

**1. 2022 Draft Committee Work Plan**

Upon motion duly made and seconded the Committee approved the 2022 Committee Work Plan.

**2. Review of MTA By-Laws**

Mr. Kears advised the Committee that each year this Committee must review the By-Laws of the MTA and its Agencies. Mr. Kears advised the Committee that there were no recommended changes at this time.

### **3. Review and Approve Board Committee Charters**

Mr. Kearse advised the Committee that each year this Committee must review the Board Committee Charters.

Mr. Kearse advised the Committee that there are proposed revisions to the MTA Committee Charters for Capital Program Oversight (“CPOC”), New York City Transit/MTA Bus, Metro-North Railroad, Long Island Rail Road and Bridges and Tunnels.

The revisions would: (1) eliminate language in the operating committee’s charter that refer to monitoring capital projects; (2) limit the committee’s responsibility to non-capital contracts; and (3) remove oversight of MTA Construction & Development (“C&D”). These responsibilities will be assumed by CPOC. C&D will present its procurement actions to CPOC for review and referral to the Board for approval.

Upon motion duly made and seconded, the Committee approved the revisions to the Committee Charters.

### **4. Review of Governance Guidelines**

Mr. Kearse advised the Committee that each year this Committee is required to review the MTA’s Governance Guidelines. Mr. Kearse informed the Committee that there were no recommended changes at this time.

### **5. Review MTA Codes of Ethics**

Mr. Kearse informed the Committee that each year they are required to review the MTA Codes of Ethics. The Committee was advised that there are no recommended changes to the Code of Ethics at this time.

### **6. Review and Approve MTA Policies in Connection with Provisions of Public Authorities Law**

Mr. Kearse informed the Committee that Public Authorities Law Section 2824 requires that the Board adopt certain polices. The Committee was advised that there are no policies requiring your review.

### **Adjournment**

Chairman Lieber adjourned November 15, 2021 meeting of the Corporate Governance Committee at 3:21pm.

Respectfully submitted,

Lamond W. Kearse  
MTA Chief Compliance Officer

# Staff Summary

<b>Subject</b> All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services
<b>Department</b> MTA Office of the General Counsel
<b>Department Head Name</b> Paige Graves
<b>Department Head Signature</b>
<b>Project Manager Name</b> Paige Graves

<b>Date</b> March 30, 2022
<b>Vendor Name</b> N/A
<b>Contract Number</b> N/A
<b>Contract Manager Name</b> N/A
<b>Table of Contents Ref #</b> N/A

Board Action					
Order	To	Date	Approval	Info	Other
	Corporate Governance	03/28/22			
	Board	03/30/22			

Internal Approvals			
Order	Approval	Order	Approval
1	<del>Chief Compliance Officer</del>		
2	Legal		
3	Chief Procurement Officer		

**Purpose:**

To obtain Board approval of the MTA's All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.

**Discussion:**

Public Authorities Law Section 2879 requires the MTA to annually review and approve its All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services. The All Agency General Contract Procurement Guidelines and the All Agency Guidelines for Procurement of Services were last approved by the Board on March 17, 2021.

There are no proposed substantive revisions to either guidelines.

**Recommendation:**

It is recommended that the MTA Board approve the annexed All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.



## ALL AGENCY GENERAL CONTRACT PROCUREMENT GUIDELINES

Adopted by the Board on March ~~30~~<sup>31</sup>, 202~~1~~<sup>2</sup>

These guidelines (the “**General Contract Guidelines**”) apply to the Metropolitan Transportation Authority (“**MTA**”), the New York City Transit Authority (“**NYCT**”), the Long Island Rail Road Company (“**LIRR**”), The Metro-North Commuter Railroad Company (“**MNR**”), the Staten Island Rapid Transit Operating Authority (“**SIRTOA**”), the Manhattan and Bronx Surface Transit Operating Authority (“**MaBSTOA**”), MTA Construction and Development (“**MTAC&D**”), MTA Bus Company (“**MTA Bus**”), First Mutual Transportation Assurance Co. (“**FMTAC**”), ~~and Grand Central Madison Concourse Operating Company (“**GCMC**”), and~~ the Triborough Bridge and Tunnel Authority (“**Bridges and Tunnels**”) insofar as they are consistent with the provisions of law applicable to Bridges and Tunnels (each of the MTA, NYCT, LIRR, MNR, SIRTOA, MaBSTOA, MTAC&D, MTA Bus, FMTAC, GCMC and Bridges and Tunnels is referred to jointly and severally, as the “**Authority**”).

### Article I - Applicability of General Contract Guidelines

These **General Contract Guidelines** apply to

- A. purchase contracts for supplies, materials, equipment or other goods (“**Purchase Contracts**”);
- B. public work contracts (“**Public Work Contracts**”); and
- C. “**Miscellaneous Procurement Contracts**” are defined as leases of equipment with or without an option to purchase, computer software licenses, including software as a service subscription, software maintenance agreements, printing contracts (where editorial services do not predominate), and any other contract which is not otherwise classified under these General Contract Guidelines or the All Agency Service Contract Procurement Guidelines (the “**Service Contract Guidelines**”, and collectively with these General Contract Guidelines, the “**Guidelines**”).

Purchase Contracts, Public Work Contracts and Miscellaneous Procurement Contracts are collectively referred to herein as “**General Contracts**”.

In the event a proposed contract contains elements of more than one type of General Contract and/or elements of either or both types of Service Contracts (as such term is defined in the Service Contract Guidelines), the elements of the type of contract that predominates shall determine whether the General Contract Guidelines or the Service Contract Guidelines apply and which type of contract within the applicable Guidelines shall apply.

### Article II - Delegation of Authority

The Chairman, the Managing Director, the President, or chief procurement officer (“**CPO**”) of the relevant Authority thereof, and any further delegations that the Chairman or relevant Authority President may make for those specified delegated purposes only (each defined for purposes of these General Contract Guidelines as an “**Authorized Officer**”) are hereby empowered with respect to General Contracts to be entered into by the relevant Authority acting on its own behalf or as agent for MTA, as follows:

- A. to implement these General Contract Guidelines.

- B. to establish procedures for the award of General Contracts (including contracts for a small business concern (“SBC”), a certified minority or women-owned business enterprise (“MWBE”) or a certified service disabled veteran owned business (“SDVOB”)) estimated to involve the expenditure of \$1 million or less, which procedures shall be competitive to the extent deemed practicable by the Authorized Officer;
- C. to do the following for the award of Purchase Contracts and Public Work Contracts estimated to involve the expenditure in excess of \$1 million:
  - 1. to determine the criteria for the evaluation of bids/proposals, which may include, but are not limited to, unit or aggregate amount bid, life cycle costs or savings (including but not limited to costs or savings associated with installation, energy use, maintenance, operation, salvage and disposal), discounts and costs of maintenance and inspection services;
  - 2. to determine whether a Purchase Contract or Public Work Contract required to be advertised in the New York State Contract Reporter (“NYSCR”) is exempt from such requirement due to the need to award such contract on an emergency or other critical basis;
  - 3. to advertise for, solicit and open bids/proposals;
  - 4. to record the name of each bidder and the amounts of the bid/proposal;
  - 5. to determine the lowest responsive and responsible bidder, including, in the event two or more responsible bidders submit identical bids which are the lowest bids, to award the Purchase Contract or Public Work Contract to any of such bidders or obtain new bids from such bidders;
  - 6. to reject all bids when it is determined to be in the public interest to do so; and
  - 7. to award the Purchase Contract or Public Work Contract;
- D. to determine whether a bidder/proposer is responsible pursuant to the All-Agency Responsibility Guidelines; and
- E. in addition to the other authorizations set forth elsewhere in these General Contract Guidelines, to establish guidelines governing the qualifications of bidders for General Contracts, and to fix the standards for the prequalification of bidders entering into such contracts for the East Side Access Project in accordance with Section 1265-a.2(c) of the Public Authorities Law.

**Article III - Selection of General Contractors Without Competitive Sealed Bidding**

- A. A competitively bid Miscellaneous Procurement Contract may be awarded without Board approval. No Board approval shall be required for a Miscellaneous Procurement Contract ride pursuant to Article III.B.5.
- B. Except as otherwise provided in Article III.C. or Article VII., a General Contract estimated to involve the expenditure in excess of \$1 million may be awarded without competitive bidding under the circumstances set forth below, provided that the Authorized Officer recommends such an action and the Board adopts a resolution (i) declaring competitive bidding to be impractical or inappropriate because of the existence of any of the

circumstances set forth in Articles III.B.1. to 6., (ii) stating the reasons therefore, and (iii) summarizing any negotiations that have been conducted. Except in a situation specified in Article III.B.1., such resolution shall be approved by two-thirds of the members of the Board then in office. A resolution under Article III.B.1. shall require approval by a majority of the members of the Board in attendance at a meeting at which a quorum is present.

1. Emergency, Critical Need or Unforeseen Circumstances. The existence of an emergency involving danger to life, safety or property, or a critical need or unforeseen circumstance which requires immediate action and cannot await competitive bidding; or when the item to be purchased is essential to the efficient operation of or the adequate provision of service and, as a consequence of an unforeseen circumstance, such purchase cannot await competitive bidding. Competitive bidding is hereby declared to be impractical and inappropriate in any of the foregoing situations where an Authorized Officer must take appropriate action and cannot await action by the Board; provided, however, that notice of such action shall be given to the Board in a timely manner, together with a statement of the reasons for such action and a request for ratification by the Board.
2. Single Source. The item to be purchased is available only from a single responsible source provided, however, that a notice of the Authority's intent to purchase such item without competitive bidding shall be posted on the Authority's website, and, if bids have not been solicited for such item within the preceding twelve months, a notice must be published pursuant to Article V hereof. Any notices required by this Article III.B.2. shall a. set forth the Authority's intent to purchase the item without competitive bidding because the item is available from only one source, and b. invite any firm which believes it can provide the item to so inform the Authority and to provide the Authority with additional information which confirms that the firm can supply the item.
3. No Bids or One Responsive Bid. Competitive bids are solicited and
  - a. no responsive bid is received; or
  - b. only a single responsive bid is received, and the Authorized Officer rejects the bid.
4. Experiments, Tests and Evaluations. With respect to a product or technology, the Authority wishes to:
  - a. experiment with or test it;
  - b. experiment or test a new source for it; or
  - c. evaluate its service or reliability.

Such a General Contract may not be awarded until at least thirty days after the date the Board has declared competitive bidding to be impractical or inappropriate.

5. Riding an Existing Contract. The item is available through an existing General Contract between a vendor and any of the following and the resolution adopted by the Board, if Board authorization would otherwise be required under these General Contract Guidelines, includes a determination that, and the reasons, why, it is in the public interest to do so:
  - a. Any public authority (not New York State) provided such General Contract had been awarded through a process of competitive sealed bidding or a competitive request for proposals (“RFP”);
  - b. A New York State agency or authority (including the New York State Office of General Services (“OGS”)), the City of New York, or Nassau County (except for NYCT, SIRTOA and MaBSTOA, as to Nassau County only).

It is hereby determined that competitive bidding is inappropriate and, because of the likelihood that a competitive process will not result in better commercial terms, that it is in the public interest to purchase an item through an existing General Contract of the State of New York, the City of New York, a different Authority, or any other public authority, where price and other commercial terms specified in such General Contract are satisfactory to the Authorized Officer. Such a determination shall be documented in writing by the Authorized Officer, and included in the contract file.

6. Request For Proposals. The Authority determines that it is in the public interest to award the General Contract through a competitive RFP.
  - a. For purposes of this Article III.B.6., an RFP shall mean a method of soliciting proposals and awarding a General Contract on the basis of a formal evaluation of the characteristics which are deemed relevant to the Authority’s operations, such as quality, cost, delivery schedule and financing, against stated selection criteria. Where the RFP involves the purchase or rehabilitation of rail cars, transit cars or buses, the selection criteria may also include the extent to which the performance of all or a portion of the General Contract will involve the use of sites within the State of New York or the use of goods produced or services provided within the State of New York.
  - b. For those General Contracts awarded under this Article III.B.6., (1) such contracts may not be awarded until at least thirty days after the Board has declared competitive bidding to be impractical or inappropriate and (2) the Board’s approval resolution must (i) disclose the other proposers and the substance of their proposals, (ii) summarize the negotiation process including the opportunities, if any, available to proposers to present and modify their proposals, and (iii) set forth the criteria upon which the selection was made. The Board’s contract approval resolution may be adopted simultaneously with or subsequent to the Board’s declaration that competitive bidding is impractical or inappropriate, provided that, if the Board’s declaration and the Board’s approval resolution are adopted simultaneously or within less than thirty days of

each other, the subject General Contract may be executed by the Authority no less than thirty days after the adoption of the Board's declaration that competitive bidding is impractical or inappropriate.

- c. In addition to the information required under Article V.C., the public notice of an RFP must include a statement of the selection criteria. Such notice shall also be provided by mail or electronically to professional and other organizations, if any, that represent or regularly notify certified MWBEs or certified SDVOBs of the type of procurement opportunity that is the subject of the RFP notice.
  - d. The Authority may engage in a selection process involving multiple steps such as requests for interest, requests for qualifications, requests for technical proposals and requests for quotations. After the publication of the notice, any or all of the selection criteria specified in the advertisement may be changed, provided that, if the change is material, proposers and potential proposers who, prior to the deadline for the receipt of proposals, have expressed an interest in the RFP, shall be informed of the change and afforded the opportunity to modify their proposals.
  - e. After receipt of the proposals, an Authority may:
    - i) change the selection criteria provided that, if the change is material, all proposers that have not been eliminated from the competitive process prior to such change, are informed of the change and afforded the opportunity to modify their proposals;
    - ii) request that any of the proposers make a presentation. If it does so, it is not required to afford such opportunity to all proposers;
    - iii) negotiate with any of the proposers. If it does so, it is not required to negotiate with all proposers;
    - iv) reject any proposal at any time; and
    - v) reject all proposals, in which event the Authority may decide to take no further action, solicit new proposals or solicit bids.
- C. Under the MTA Small Business Mentoring Program (the "**SBMP**"), a non-federally funded Public Work Contract that is designated by the Authority as a small business mentoring program contract within the meaning of Section 1265-b(1)(e) of the Public Authorities Law, may be awarded in accordance with the provisions of Section 1265-b of the Public Authorities Law, notwithstanding any other provision of law or these General Contract Guidelines. A Public Work Contract that is partially or wholly federally funded, subject to United States Department of Transportation regulations and estimated to involve an expenditure of not more than \$3 million, may be awarded pursuant to the MTA Small Business Federal Program (the "**SBFP**") established under 49 CFR 26.39 in accordance with the competitive procedures established under the SBFP, notwithstanding any other provision of law or these General Contract Guidelines. Pursuant to the SBMP procedures, the Chairman or Authority President designates members of an SBMP steering committee, which includes diversity, engineering and procurement personnel. Such

SBMP steering committee is authorized to designate which eligible Public Work Contracts shall be SBMP or SBFP Public Work Contracts.

- D. A Purchase Contract or a Miscellaneous Procurement Contract, not estimated to involve the expenditure in excess of \$1 million, that is not federally funded, may be awarded pursuant to Section 1209.7(b) or Section 1265-a.2(b) of the Public Authorities Law without competitive sealed bidding or other formal competitive process, notwithstanding any other provision of law or these General Contract Guidelines where the Purchase Contract or Miscellaneous Procurement Contract involves goods or technology that are recycled or remanufactured.

#### **Article IV - Qualified Products Lists**

The Board hereby determines that for reasons of efficiency, economy, compatibility or maintenance reliability, there is a need for standardization as to various supplies, materials and equipment which are purchased by the Authorities and authorizes the establishment of a qualified products list (“QPL”) identifying such supplies, materials and equipment as hereinafter provided. A purchase contract for an item which has been included on a QPL duly established and maintained by an Authority may be entered into by that Authority as hereafter set forth:

- A. An Authorized Officer determines as to a specific item that, for reasons of efficiency, economy, compatibility or maintenance reliability, there is a need for standardization.
- B. The QPL is reviewed no less than two times per year in order to evaluate whether to add or delete items or vendors to or from the QPL.
- C. A notice is published by the Authority no less than one time per year in a general circulation newspaper and in the NYSCR which:
  - 1. advertises the existence of the QPL;
  - 2. states that the QPL is available for public inspection; and
  - 3. specifies the name and address of the Authority’s office which may be contacted in regard to the procedure for the compilation of the QPL.
- D. A contract for an item on the QPL may be awarded:
  - 1. without competitive sealed bidding if only one source for the item is specified on the QPL;
  - 2. by competitive sealed bidding, but without advertising, provided the invitation to bid is sent to all vendors listed on the QPL for the particular item;
  - 3. by competitive sealed bidding after advertising the bid pursuant to Article V.A. of these General Contract Guidelines.
- E. Two or more Authorities may utilize the same QPL provided that such Authorities jointly comply with the provisions of this Article.

## **Article V – Notice and Advertising**

Except as provided in Article V.C. and Article III.B.2., in those instances where advertising is required under these General Contract Guidelines:

- A. Regardless of the selection process used, for Purchase Contracts and Public Work Contracts in the actual or estimated amount in excess of \$1 million, an advertisement shall be published at least once in a newspaper of general circulation in the area served by the Authority and in the NYSCR. Such advertisement and notice in the NYSCR must be placed at least fifteen (15) business days prior to the planned date on which a bid/proposal is due; provided that, if the Purchase Contract or Public Work Contract is to be awarded without the solicitation of competitive sealed bids or RFP, the timing of the publication in the NYSCR shall be determined by an Authorized Officer.
- B. The advertisement and the notice in the NYSCR must contain, as applicable, a statement of: 1) the name of the contracting Authority; 2) the contract identification number; 3) a brief description of the goods, supplies, materials, or equipment sought, the location where work is to be performed or goods are to be delivered and the contract term; 4) the address where bids/proposals are to be submitted; 5) the date when bids/proposals are due; 6) a description of any eligibility or qualification requirement or preference; 7) a statement as to whether the contract may be fulfilled by a subcontracting, joint venture (“JV”) or co-production arrangement; 8) any other information which the Authority deems useful to potential contractors; 9) the name, address and the telephone number of the person to be contacted for additional information; and 10) the time and place where bids received will be publicly opened and read. In addition, if a purchase contract is involved, the advertisement in the NYSCR shall also include a statement as to whether the goods, supplies, materials, or equipment sought had, in the immediately preceding three year period, been supplied by a foreign business enterprise as that term is defined in Article 4-C of the Economic Development Law.
- C. Advertisement in a general circulation newspaper and in the NYSCR is not required if the Authority regularly purchases the particular supplies, material or equipment and bids are solicited from a list of potential suppliers for the item which has been established and maintained as set forth in Article VI hereof.
- D. In addition to the above advertisements, the Authority shall provide notice to professional and other organizations, if any, that regularly notify MWBEs of the type of procurement opportunity that is the subject of the solicitation.

## **Article VI - Contractor Outreach**

The Authority shall encourage firms to be interested in competing for Authority contracts. The Authority shall do so in the following manner:

- A. Suppliers Lists for Purchase Contracts: the Authority shall compile a list of potential sources of supplies, materials, equipment, and other goods which it regularly purchases. Such list must be compiled in accordance with the following procedures:

1. Advertisements must be periodically placed in one or more publications which are likely to be read by manufacturers, suppliers and others who deal in the item, including firms which may be MWBEs or SDVOBs, which set forth a general description of categories of items which are regularly procured by the Authority and invites firms to utilize the MTA Business Services Center Vendor Portal to be placed on the suppliers list for specific items or categories of items.
  2. A periodic effort:
    - i) must be undertaken to identify potential bidders for the item who are not on the list, including MWBEs and SDVOBs. Such effort shall include the use of the Authorities' websites, use of appropriate publications, including those, if any, that serve MWBEs and SDVOBs, other sources of information, and cooperation with federal, state and local agencies and other authorities. Where appropriate, a print or electronic letter shall be sent to a new potential supplier which invites it to request that it be added to the list and, if it does not wish to be added, requests that it indicate why; and
    - ii) where appropriate, must be undertaken to identify firms which have not responded to bids or expressed an interest in remaining on a list. An effort should be made to contact such firms to determine why they have not bid, whether they are interested in remaining on the list and, if not, why not. A firm may be deleted from the list where it requests deletion, or where the circumstances indicate that it is unlikely that the firm is interested in remaining on the list.
  3. The Authority will maintain lists of certified MWBEs and SDVOBs, including professional firms that have expressed an interest in doing business with the Authority and ensure that such lists are updated regularly. The Authority will also consult the lists of MWBEs maintained by the New York State Department of Economic Development and the lists of SDVOBs maintained by, the OGS Division of Service-Disabled Veterans' Business Development ("**OGS DSDVBD**").
  4. An advertisement must be placed quarterly in the State Register and in the NYSCR.
  5. In the event it is not practicable to maintain a suppliers list for a specific item, such item shall be included in a broader category or other appropriate classification which reasonably includes the item, and a suppliers list shall be maintained with respect to the category or classification.
- B. Capital Program Purchase Contracts and Public Work Contracts: the Authority shall establish an Outreach program, to be developed by the Chief Development Officer or his designee, to identify and attract capable U.S. and international firms to compete for MTA contracts. In addition, the Authority shall place an advertisement in the NYSCR no less than four times per year which sets forth a general list of anticipated capital program Purchase Contracts and Public Work Contracts, and the address of the Authority's office which may be contacted in order to be afforded the opportunity to compete for such

contracts and for other Authority contracts. Advertisements will also be placed in publications that serve MWBEs.

#### **Article VII – MWBE, SDVOB, and Disadvantaged Business Enterprise (“DBE”)**

The potential exists for MWBE, SDVOB, and DBE involvement in General Contracts. The Authority shall use its best efforts to maximize the utilization, as applicable, of DBEs under the Authority’s federal program, and MWBEs and SDVOBs under the New York State programs set forth in Public Authorities Law §2879, Article 15-A and Article 17-B of the Executive Law and these General Contract Guidelines.

- A. The MTA Chief Diversity Officer is responsible for ensuring compliance with all applicable laws and regulations and for overseeing the programs established by the MTA to promote and assist: 1) the participation by MWBEs and SDVOBs in procurement opportunities and facilitation of the award of General Contracts to such enterprises; 2) the utilization of MWBEs and SDVOBs as subcontractors and suppliers to Authority prime contractors; and 3) the utilization of partnerships, JVs or other similar arrangements between MWBEs, SDVOBs and prime contractors. The Chief Diversity Officer reports directly to the Chairman in connection with the responsibilities set forth herein, and will participate in the procurement process either directly or through his or her designees.
  
- B. A Purchase Contract or a Miscellaneous Procurement Contract, not estimated to involve the expenditure in excess of \$1 million, that is not federally funded, may be awarded pursuant to Section 1209.7(b) or Section 1265-a.2(b) of the Public Authorities Law without competitive sealed bidding or other formal competitive process, notwithstanding any other provision of law or these General Contract Guidelines where the proposed award is to a SBC, MWBE or SDVOB. The MTA and its agencies will administer set-aside procurements pursuant to the laws, rules and procedures that govern small purchase contracting.

The Authority CPO or his/her designee shall determine which Purchase Contracts or Miscellaneous Procurement Contracts are appropriate for these procurements. In the case of Purchase Contracts or Miscellaneous Procurement Contracts that are eligible pursuant to Section 2879(3)(b)(i) of the Public Authorities Law for award to SBCs, MWBEs or SDVOBs, the CPO may make a determination that any such Purchase Contract or Miscellaneous Procurement Contract may only be awarded to an MWBE, or only to an SDVOB, or only to an MWBE or an SDVOB. The basis for such a determination must be to promote participation of MWBEs and SDVOBs in Authority contracts, as mandated by Articles 15-A and 17-B of the Executive Law, respectively, and to assist the Authorities in achieving their MWBE and SDVOB goals.

Notice of such procurements shall be placed on the Authority website inviting responsive bids/proposals from qualified SBCs, MWBEs and/or SDVOBs. Awards pursuant to this process shall be made to the bidder/proposer determined to have submitted the bid/proposal that is most advantageous to the Authority after considering price and any other relevant factors. The CPO may reject all offers and withdraw the designation of a contract as one to be awarded pursuant to this process if the CPO determines that an award will result in the payment of an unreasonable price or otherwise not be advantageous to the Authority.

The value for SDVOB set aside contracts may be in excess of \$1 million. In these instances, notice of such procurements must also be placed in the NYSCR.

- C. For contracts awarded pursuant to these General Contract Guidelines, other than those whose award process is described in Article VII.B., the Authority shall establish appropriate goals for participation by MWBEs and SDVOBs and for the utilization by prime contractors of MWBEs and SDVOBs as subcontractors and suppliers. Statewide MWBE numerical participation target goals will be established by the Authority based on the findings of the most recent New York State Disparity Study.
  
- D. The Authority will conduct non-federally funded procurements in a manner that enables the Authority to achieve the maximum feasible portion of the goals set pursuant to Article VII.C., including by taking the following actions:
  - 1. establishing measures and procedures to ensure that MWBEs and SDVOBs are given the opportunity for maximum feasible participation in the performance of Authority contracts and to assist in the identification of those contracts that are best suited for MWBE and SDVOB participation so as to facilitate the Authority's achievement of the maximum feasible portion of the MWBE and SDVOB goals;
  - 2. designating the New York State Division of Minority and Women-owned Business Development ("**DMWBD**") to certify and decertify MWBEs, and OGS DSDVBD to certify and decertify SDVOBs, for purposes of these General Contract Guidelines;
  - 3. setting forth in each contract solicitation the expected degree of MWBE and SDVOB participation based on potential subcontracting opportunities and the availability of MWBEs and SDVOBs to respond competitively to those opportunities;
  - 4. providing to prospective contractors in writing, or by identifying a link to a website containing a current list of MWBEs and SDVOBs;
  - 5. with regard to JVs, allowing a bidder/proposer to count toward meeting its MWBE and SDVOB participation goals, the MWBE or SDVOB portion of the JV;
  - 6. waiving a contractor's obligation relating to MWBE or SDVOB participation after a showing of good faith efforts to comply with the participation goal; and
  - 7. verifying that MWBEs and SDVOBs listed in a successful bid/proposal are actually participating to the extent listed in the project for which the bid/proposal was submitted.
  
- E. The Authority will also consider, where practicable:
  - 1. the severability of construction projects and other bundled contracts;
  - 2. with respect to MWBEs, the implementation of a program that will enable the Authority to evaluate each contract to determine the appropriateness of the goal pursuant to the most recent New York State Disparity Study; and

3. compliance with the requirements of any federal law or regulations concerning opportunities for any DBEs, MWBEs and SDVOBs that effectuates the purposes of this Article VII.
- F. The Chief Diversity Officer or his/her designee is responsible for ensuring compliance with all applicable laws and regulations with regard to the utilization of DBEs on federally funded General Contracts.

#### **Article VIII - Change Orders**

- A. A change order to a General Contract which (a) exceeds \$1 million, (b) increases the total contract price by more than ten percent of the original value, or (c) increases the contract duration by more than ten percent of the original contract duration, may be entered into by an Authorized Officer, upon the approval of the Board pursuant to a resolution adopted in accordance with Article IX hereof. The submission to the Board shall include an explanation of the need for the change order. In order to avoid splitting change orders to below \$1 million for the purpose of avoiding the Board approval requirements of this Article VIII.A., the CPO of the relevant Authority must approve multiple change orders to the same contract and for the same scope of work, if all such change orders for any rolling 12-month period would equal to or be more than \$1 million.  
For example only, if change order #1 is issued in March Year 1 for \$600,000, change order #2 is issued in June Year 1 for \$300,000 and change order #3 is issued in January Year 2 for \$200,000 (all for the same scope of work), then the CPO would be required to approve change order #3 because the total amount would be \$1.1 million for the rolling 12-month period from March Year 1 to March Year 2, and further the CPO would need to approve any other change order issued during any rolling 12-month period which would bring that 12-month period total to be equal to or greater than \$1 million.
- B. All other change orders shall be approved by an Authorized Officer; provided that a change order over \$250,000 must be approved by the Authority President, CPO, or the Authority President's designee. This provision applies to all contracts subject to these General Contract Guidelines.
- C. Notwithstanding the foregoing, an Authorized Officer may enter into a change order without Board approval in any of the following situations as determined by an Authorized Officer:
1. The existence of an emergency, other critical need or unforeseen circumstance;
  2. There is a risk of a substantial increase in cost or delay if prompt action is not taken; or
  3. The change order does not change the total contract price to exceed the contract budgeted cost, including contingency.
- D. Change orders that do not require Board approval pursuant to Paragraph C above, but that (a) increases the total contract price by more than ten percent of the original value, or (b) increases the contract duration by more than ten percent of the original contract duration, shall require prior written notice to the Chairman of the Finance Committee.

- E. The Chairman shall establish policies with respect to the delegation of responsibilities set forth in this Article.

#### **Article IX - Form of Board Resolution**

- A. Except as otherwise required in Article III, the procedure for the adoption by the Board and the format of a resolution pursuant to these General Contract Guidelines shall be determined by the Chairman and may be in the form of a staff summary or a formal resolution. Provided, however, that any Board resolution or staff summary sought pursuant to these General Contract Guidelines shall 1) identify the contractor by name; 2) briefly describe the substance of the General Contract; 3) specify all the information required under the applicable provisions of these General Contract Guidelines; and 4) specify the estimated or actual cost to the Authority or that the estimated or actual cost shall be within the budget approved by the Board for that purpose.
- B. To the extent practicable, the recommendation of award and the associated resolution or staff summary shall first be submitted to the standing committee of the Board responsible for the Authority.
- C. The Chairman may modify the procedures in this Article for all Authorities.

#### **Article X - Responsibilities of General Contractors**

In each General Contract, a general contractor shall have the following responsibilities:

- A. To perform the contract in accordance with its terms and to remain a responsible contractor;
- B. To provide the public work, goods, supplies, materials, or equipment required under the contract competently, efficiently, in a timely manner, at a fair and reasonable cost and in a manner which is satisfactory to the Authority; and
- C. To cooperate with Authority personnel who are directing, supervising or monitoring the performance of the general contractor or who are assisting in their performance.

#### **Article XI - Contracts Involving Former Officers or Employees of the Authority**

The Authority may enter into contracts with any Authority's former officers, former employees or with firms employing such former officers or former employees only to the extent permitted by Public Officers Law §73.

#### **Article XII - Miscellaneous**

- A. Except to the extent prohibited by law, the Chairman or Chief Executive Officer, or his/her designee, with prior notice to the Chairman of the Finance Committee, may waive the provisions of these General Contract Guidelines in the event of an emergency involving the health or safety of the public. If a contract is federally assisted, prior to issuing a

waiver, consideration should be given to the steps which may be taken to assure that federal assistance is not jeopardized.

- B. No Board Committee action or Authority policy, other than one approved by the Chairman, shall be inconsistent with these General Contract Guidelines.
- C. An Authority may not divide or split any contract or series of contracts for the purpose of avoiding the requirements of these General Contract Guidelines provided that with regard to SBMP and SBFP contracts awarded under Article III.C. and discretionary contracts awarded under Article VII.B., an Authority may divide requirements for the purpose of unbundling contracts to create SBMP, SBFP or discretionary contracting opportunities.
- D. If prior to the commencement of an Authority fiscal year, an Authorized Officer reasonably anticipates that, during the next fiscal year, the Authority will expend, in the aggregate, in excess of \$1 million for a series of Purchase Contracts for the same or substantially similar good or for a series of Public Work Contracts for same or substantially the same type of public work: 1) such requirement shall be met pursuant to a requirements contract awarded pursuant to the applicable provisions of these General Contract Guidelines; 2) each such Purchase Contract shall be awarded pursuant to the provisions of Article II.C., Article III, Article IV, Article VI, or Article VII.B. of these General Contract Guidelines or 3) each such contract shall be awarded pursuant to the provisions of Article II.C., Article III, or Article VII.B. or a procedure determined by an Authorized Officer to be comparable to Article IV or Article VI.
- E. Nothing in these General Contract Guidelines shall preclude the Authority from accepting bids/proposals utilizing an electronic bidding system that may inform bidders whether their bid is the current low bid, and allow bidders to submit new bids before the date and time assigned for the opening of bids. Such procedure shall not constitute disclosure in violation of Section 2878 of the Public Authorities Law.
- F. A General Contract awarded by an Authority pursuant to these General Contract Guidelines may provide that the General Contract includes the requirements of one or more other Authorities.
- G. Each Authority shall maintain records, for each fiscal year, of the all Purchase Contracts in an actual or estimated amount of \$15,000 or more entered into by the Authority at the request of such Division/Department, and such reports shall be prepared pursuant to the specifications located in Article IX.B. and Article IX.C. of the Services Contract Guidelines.
- H. The Authority shall prepare a publicly available report no less frequently than annually, summarizing procurement activity by the Authority for the period of the report in accordance with the reporting requirements of Section 2879(6) of the Public Authorities Law.
- I. These General Contract Guidelines are intended for the guidance of officers and employees of the Authority only. Nothing contained herein is intended or shall be

construed to confer upon any person, firm or corporation any right, remedy, claim or benefit under, or by reason of, any requirement or provision hereof.

- J. To make MTA work more appealing to contractors and thereby increase competition and reduce the costs that the MTA typically pays for its Capital Program projects, the following Cost Containment Initiatives shall be implemented on all Capital Program projects unless the Chief Development Officer grants a waiver based upon a determination that such Cost Containment Initiative is impractical for a specific project:
1. Neutral Dispute Resolution: Disputes shall be resolved by a neutral arbitrator or panel of arbitrators or in a court of competent jurisdiction.
  2. Project CEOs: The Chief Development Officer or his designee shall appoint a Project CEO (“PCEO”) for each project who shall be empowered to make project decisions and shall be accountable for the project’s budget and schedule. PCEO decisions affecting scope, budget and schedule can only be overruled or amended by the MTA Chief Development Officer.
  3. In developing the Request for Proposal or Bid documents for a project, and as part of any negotiation and contractor selection process, the PCEO shall develop a strategy designed to optimize the cost and schedule for the project. Such strategy shall be approved by the Chief Development Officer or his designee and shall establish the following:
    - a. A contracting approach that considers factors other than just price in selecting a contractor (e.g., competitive RFP or A+B bidding), even where design-build contracting is not required. Excluded from this requirement are contracts awarded under the Small Business Mentoring Program and the Small Business Federal Program for which a traditional low bid contracting approach is permissible.
    - b. Optimal turnaround times for submittals and similar documentation, which times shall be incorporated into the contract(s).
    - c. A strategy to allocate risk to the party in the best position to manage such risk. Factors to be considered in this category include, but are not limited to: (i) the availability of MTA provided outages, flaggers and other services; (ii) delays by third parties such as Amtrak, utility companies, and government agencies; and (iii) existing conditions, including both structural conditions and interferences and the existence of hazardous materials. The PCEO, in consultation with the Leaders of the MTA C&D Delivery and Contracts groups and the applicable operating agencies, shall establish for each project the optimal method for incorporation of such risk allocation into the contract(s) (e.g. guaranteed number of outages subject to a contractual percentage of cancelations, allowances, etc.).
    - d. Favorable payment terms, to be established in consultation with the MTA Chief Financial Officer. Unless otherwise indicated, payment terms shall be 15 days.
    - e. Guidelines that promote the use of off-the-shelf products and components and eliminate customization to the extent practicable.
  4. Reduced Bonding Requirements: Unless otherwise prohibited by law or by MTA funding partners for specific projects (e.g., the Federal Transit Administration), the Request for Proposal or Bid documents for a project shall provide that Payment and

Performance bonds on contracts more than \$250 Million may be reduced from 100% of the contract amount provided that the Contracting entity is able to provide adequate alternative security and/or guarantees. The appropriateness of such alternative security and/or guarantees shall be approved by the MTA Chief Development Officer and/or the MTA Chief Financial Officer or his/her designees.

- K. Nothing in these General Contract Guidelines shall preclude the Authority from offering stipends to proposers on Design-Build contracts as part of an RFP process. The request for Board approval to use the RFP process for a specific Design-Build contract may include a request for approval of the use of stipends in connection with such RFP.
- L. Nothing contained in these General Contract Guidelines shall be deemed to alter, affect the validity of, modify the terms of or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of these General Contract Guidelines.
- M. Where applicable federal, state or local laws, ordinances, codes, rules or regulations contain requirements which are in conflict with or which impose greater obligations upon the Authority than these General Contract Guidelines, then such requirements shall take precedence over those contained herein.
- N. For those General Contracts for which the Office of the State Comptroller (“OSC”) has requested review and approval pursuant to Public Authorities Law §2879-a, if the Authority has not received OSC approval or disapproval within thirty days of submission to the OSC, the Authority may enter into such General Contract without further waiting for such review and approval.



## ALL AGENCY SERVICE CONTRACT PROCUREMENT GUIDELINES

Adopted by the Board on March 17, 2021

These guidelines (the “**Service Contract Guidelines**”) apply to the Metropolitan Transportation Authority (“**MTA**”), the New York City Transit Authority (“**NYCT**”), the Long Island Rail Road Company (“**LIRR**”), The Metro-North Commuter Railroad Company (“**MNR**”), the Staten Island Rapid Transit Operating Authority (“**SIRTOA**”), the Manhattan and Bronx Surface Transit Operating Authority (“**MaBSTOA**”), MTA Construction and Development (“**MTAC&D**”), MTA Bus Company (“**MTA Bus**”), First Mutual Transportation Assurance Co. (“**FMTAC**”), Grand Central Madison Concourse Operating Company (“**GCMC**”), and the Triborough Bridge and Tunnel Authority (“**Bridges and Tunnels**”) insofar as they are consistent with the provisions of law applicable to Bridges and Tunnels (each of the MTA, NYCT, LIRR, MNR, SIRTOA, MaBSTOA, MTAC&D, MTA Bus, FMTAC, GCMC, and Bridges and Tunnels is referred to jointly and severally as the “**Authority**”).

### **Article I - Applicability of Service Contract Guidelines**

It is the policy of the Authority to contract for services that because of factors such as timing, costs, qualifications, availability of Authority staff, or the nature of the services to be rendered, it is more beneficial for such services to be contracted for than performed by employees of the Authority. Contractors shall be selected on a competitive basis, except when competition is not required pursuant to applicable law, is not required pursuant to these Service Contract Guidelines or is waived as impractical or inappropriate due to an emergency, critical need or as a consequence of unforeseen circumstances.

These **Service Contract Guidelines** apply to personal service contracts (“**Personal Service Contracts**”) and miscellaneous service contracts (“**Miscellaneous Service Contracts**”, and collectively with Personal Service Contracts, “**Service Contracts**”).

- A. Personal Services Contracts involve contracts for the provision of personal services (“**Personal Services**”), which generally involve retaining a consultant who specializes in one of the following:
- (1) Accounting and auditing
  - (2) Advertising
  - (3) Analysis
  - (4) Appraisal
  - (5) Architecture and design
  - (6) Bonds and financial management
  - (7) Commissioning of original art
  - (8) Dispute resolution
  - (9) Engineering
  - (10) Finances
  - (11) Human resources
  - (12) Information technology (but not software licenses or software maintenance)
  - (13) Investments
  - (14) Labor relations
  - (15) Legal
  - (16) Legislation

- (17) Management
- (18) Marketing
- (19) Office services requiring specialized skills
- (20) Other consulting, professional or technical services
- (21) Planning
- (22) Printing where editorial services predominate
- (23) Public affairs and corporate relations
- (24) Real estate
- (25) Records management, including electronic data storage, retrieval and discovery
- (26) Research
- (27) Risk management and related services
- (28) Security, including cybersecurity
- (29) Statistics
- (20) Surveying
- (31) Training

B. A Miscellaneous Service Contract is any contract for services which is not:

- (1) a Personal Service Contract; or
- (2) a General Contract (capitalized terms not defined in these Service Contract Guidelines shall have the meaning ascribed thereto in the All Agency General Contract Procurement Guidelines (the “**General Contract Guidelines**” and collectively with these Service Contract Guidelines, the “**Guidelines**”).

Examples of miscellaneous services (“**Miscellaneous Services**”) include, but are not limited to, human services (such as homeless services), guard service, custodial service and maintenance work performed by laborers, workers or mechanics that does not result in a substantial improvement to a building or other fixed asset.

C. In the event a proposed contract contains elements of more than one type of contract under these Service Contract Guidelines or the General Contract Guidelines, the elements which predominate shall determine the type of contract for purposes of the Guidelines.

## **Article II - Delegation of Authority**

The Chairman, the Managing Director, the President, or chief procurement officer (“**CPO**”) of the relevant Authority thereof, and any further delegations that the Chairman or relevant Authority President may make for those specifically delegated purposes only (each defined for purposes of these Service Contract Guidelines as an “**Authorized Officer**”) are hereby empowered with respect to Service Contracts to be entered into by the relevant Authority acting on its own behalf or as agent for the MTA, as follows:

- A. to implement these Service Contract Guidelines;
- B. to establish procedures for the award of Service Contracts (including contracts for a small business concern (“**SBC**”), a certified minority or women-owned business enterprise (“**MWBE**”) or a certified service disabled veteran owned business (“**SDVOB**”)) estimated to involve the expenditure of \$1 million or less, which procedures shall be competitive to the extent deemed practicable by the Authorized Officer;

- C. to establish procedures for the award of Service Contracts regardless of the estimated expenditure, which procedures shall provide for Board approval of the award if the Services Contract provides for the estimated expenditure in excess of \$1 million, if not awarded pursuant to competitive sealed bidding. A majority of the members of the Board in attendance at a meeting at which a quorum is present shall be required to approve the resolution authorizing such award;
- D. to do the following for the award of Service Contracts estimated to involve the expenditure in excess of \$1 million:
  - (1) to determine the criteria for the evaluation of bids/proposals;
  - (2) to determine whether a Services Contract required to be advertised in the New York State Contract Reporter (“**NYSCR**”) is exempt from such requirement due to the need to award such contract on an emergency or other critical basis;
  - (3) to advertise for, solicit and open bids/proposals;
  - (4) to record the name of each bidder/proposer and the amounts of the bid/proposal;
  - (5) to determine the lowest responsive and responsible bidder, including, in the event two or more responsible bidders submit identical bids which are the lowest bids, to award the Service Contract to any of such bidders or obtain new bids from such bidders;
  - (6) to reject all bids/proposers when it is determined to be in the public interest to do so; and
  - (7) to award the Service Contract; and
- E. to determine whether a bidder/proposer is responsible pursuant to the All-Agency Responsibility Guidelines.

### **Article III - Selection of Personal and Miscellaneous Service Contractors**

#### **A. Requirements for Selection of Personal Service Contractors by RFP**

The following are the requirements to be followed for selection of contractors for Personal Services, except for:

- (1) Service Contracts for architectural, engineering, and survey services, which are subject to Article III.B.;
- (2) Service Contracts in the amount of \$1 million or less, which may be entered into pursuant to the provisions of Article II.B.( or pursuant to procedures established by an Authorized Officer which shall be competitive to the extent deemed practicable by the Authorized Officer; and
- (3) Service Contracts for which a competitive selection process is inappropriate pursuant to the provisions of Article III.C.

(a) The Division/Department of the Authority requiring the services shall prepare a written statement containing a description of the services, the reasons why they are required, and the required or estimated schedule or duration of the services.

(b) A request for proposals (“RFP”) to perform the required services shall be sent by mail or electronically to three or more firms to invite competition, including any certified disadvantaged business enterprise (“DBE”), MWBE or SDVOB selected to receive the RFP pursuant to applicable Authority or New York State DBE, MWBE or SDVOB programs, unless there are only two qualified firms or unless competition is waived as hereinafter provided. The RFP or notice thereof shall also be provided by mail or electronically to professional and other organizations, if any, that represent or regularly notify MWBEs and SDVOBs of the type of procurement opportunity that is the subject of the RFP notice.

(c) The RFP shall describe the services to be performed, any completion dates or time requirements, DBE/WBE/MBE/SDVOB requirements, if applicable, and the criteria to be utilized by the Authority in evaluating proposals and shall contain a requirement for technical and cost proposals and the date, time and place when proposals must be received.

(d) The Authority may select one or more proposers with which to negotiate after evaluation of the proposals received. The award shall be made to the proposer or proposers whose proposals will be the most advantageous to the Authority after considering price, qualifications and other relevant factors identified as evaluation criteria in the RFP.

B. Architectural, Engineering and Survey Services

- (1) In the procurement of architectural, engineering and surveying services, the Authority shall determine whether to comply with the RFP procedures set forth in Article III.A. or the “Brooks” method set forth in this Article III.B., provided that, if federal funds will be utilized for such contract, the decision shall take into account applicable federal requirements.
- (2) The Authority shall encourage architectural, engineering and surveying firms to submit an annual statement of qualifications and performance data. For each proposed project identified in accordance with Article III.A(1), the Authority shall evaluate current statements of qualifications and performance data on file with the Authority. If desired and to the extent appropriate if federal assistance is involved, the Authority may conduct discussions with professional firms regarding anticipated design concepts and proposed methods of approach to the proposed project.
- (3) The Authority shall then evaluate whether a modification to the RFP documents is appropriate, and shall then solicit the RFP in compliance with the provisions of subparagraphs (b) and (c) of Article III.A(3).

- (4) Based upon the criteria established by the Authority, the Authority shall select no less than three professional firms deemed to be the most highly qualified to provide the services required from the proposals submitted, in order of preference.
  - (5) The Authority shall negotiate a contract with the best qualified professional firm for architectural, engineering or surveying services at compensation which the Authority determines in writing to be fair and reasonable. In making this decision, the Authority shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof. Should the Authority be unable to negotiate a satisfactory contract with the professional firm considered to be the most qualified, at a fee it determines to be fair and reasonable, negotiations with that professional firm shall be formally terminated. The Authority shall then undertake negotiations with the second most qualified professional firm. Failing to come to accord with the second most qualified professional firm, the Authority shall formally terminate negotiations. The Authority shall then undertake negotiations with the third most qualified professional firm. Should the Authority be unable to negotiate a satisfactory contract with any of the three selected professional firms it shall select additional professional firms, in order of their qualifications and it shall continue negotiations in accordance with this subparagraph until an agreement is reached.
  - (6) The provisions of this Article III.B. must apply to engineering, architectural, or surveying services contracts in excess of \$1 million. Contracts for engineering, architectural or surveying services involving lesser amounts may be entered into pursuant to the provisions of Article III.B. or pursuant to procedures established by an Authorized Officer which shall be competitive to the extent deemed practicable by the Authorized Officer, provided that a qualification based selection procedure is used when required by federal guidance.
- C. It is hereby determined that a competitive selection process is inappropriate and that a competitive process shall not be required in the following instances:
- (1) Single Source. The service to be procured is available only from a single responsible source.
  - (2) No Bids or One Responsive Bid. Competitive bids are solicited and
    - (a) no responsive bid is received; or
    - (b) only a single responsive bid is received, and the Authorized Officer rejects the bid.
  - (3) Emergency, Critical Need or Unforeseen Circumstances. The existence of an emergency involving danger to life, safety or property, or a critical need or unforeseen circumstance which requires immediate action and cannot await competitive bidding; or when the contract is essential to the efficient operation of or the adequate provision of service and, as a consequence of an unforeseen circumstance, such purchase cannot await competitive bidding. Competitive

bidding is hereby declared to be impractical and inappropriate in any of the foregoing situations where an Authorized Officer must take appropriate action and cannot await action by the Board; provided, however, that notice of such action shall be given to the Board in a timely manner, together with a statement of the reasons for such action and a request for ratification by the Board.

- (4) Legal Services. When the services are legal services.
- (5) Unique Source. When the provider of the services has unique or otherwise outstanding qualifications.

D. The Chairman, Managing Director, General Counsel, or President or CPO of the relevant Authority, or such individuals as they may designate, may give verbal authorization to contractors or consultants to commence the performance of contracts entered into pursuant to the provisions of this Article III, where prior written agreement is impracticable, provided, however, that the contract shall be reduced to writing as soon as practicable. Prior to issuing a verbal authorization for a federally assisted contract, consideration should be given to the steps which may be taken to assure that federal assistance is not jeopardized.

#### **Article IV – Notice and Advertising**

In those instances where notice in the NYSCR is required under these Service Contract Guidelines:

- A. Regardless of the selection process used, notice of a Service Contract in the actual or estimated amount in excess of \$1 million shall be published at least one time in the NYSCR, except as provided in Article IV.C. Such advertising must be placed at least fifteen (15) business days prior to the planned date on which a bid/proposal is due, provided that if the Services Contract is to be awarded without bids/proposals and advertising is required, the timing of the publication shall be determined by an Authorized Officer.
- B. The notice must contain, as applicable, a statement of: (1) the name of the contracting Authority; (2) the contract identification number; (3) a brief description of the services sought, the location where services are to be provided and the contract term; (4) the address where bids/proposals are to be submitted; (5) the date when bids/proposals are due; (6) a description of any eligibility or qualification requirement or preference; (7) a statement as to whether the contract may be fulfilled by a subcontracting, joint venture (“JV”) or co-production arrangement; (8) any other information which the Authority deems useful to potential bidder/proposer; (9) the name, address and the telephone number of the person to be contacted for additional information; and (10) a statement as to whether the services sought had, in the immediately preceding three year period, been supplied by a foreign business enterprise as that term is defined in Article 4-C of the Economic Development Law.
- C. Notice in the NYSCR is not required under the following circumstances:
  - (1) In the event of an emergency or critical need for the services as determined by an Authorized Officer;

- (2) The contract is re-solicited for substantially the same services within forty-five business days after the date bids/proposals were originally due;
  - (3) The contract is awarded to a not-for-profit provider of human services;
  - (4) The contract is awarded pursuant to the provisions of Article III.C(1) or (2) or Article V.B. of these Service Contract Guidelines.
- D. In addition to the above NYSCR notice, the Authority shall provide notice to professional and other organizations, if any, that regularly notify MWBEs of the type of procurement opportunity that is the subject of the solicitation.

**Article V – MWBEs, SDVOBs, and DBEs**

The potential exists for MWBE, SDVOB, and DBE involvement in Service Contracts. The Authority shall use its best efforts to maximize the utilization, as applicable, of DBEs under the Authority’s federal program, and MWBEs and SDVOBs under the New York State program set forth in Public Authorities Law §2879, Article 15-A and Article 17-B of the Executive Law and these Service Contract Guidelines.

- A. The MTA’s Chief Diversity Officer is responsible for ensuring compliance with all applicable laws and regulations and for overseeing the programs established by the MTA to promote and assist: (1) the participation by MWBEs and SDVOBs in procurement opportunities and facilitation of the award of Service Contracts to such enterprises; (2) the utilization of MWBEs and SDVOBs as subcontractors to Authority prime contractors; and (3) the utilization of partnerships, JVs or other similar arrangements between MWBEs, SDVOBs and prime contractors. The Chief Diversity Officer reports directly to the Chairman in connection with the responsibilities set forth herein, and will participate in the procurement process either directly or through his or her designees.
- B. A Service Contract, not estimated to involve the expenditure in excess of \$1 million, that is not federally funded, may be awarded pursuant to Section 1209.7(b) or Section 1265-a.2(b) of the Public Authorities Law without competitive sealed bidding or other formal competitive process, notwithstanding any other provision of law or these Guidelines, where the proposed award is to a SBC, MWBE or SDVOB. The MTA and its agencies will administer set-aside procurements pursuant to the laws, rules and procedures that govern small purchase contracting.

The Authority CPO or his/her designee shall determine which Service Contracts are appropriate for these procurements. In the case of Service Contracts that are eligible pursuant to Section 2879(3)(b)(i) of the Public Authorities Law for award to SBCs, MWBEs or SDVOBs, the CPO may make a determination that any such Service Contract may only be awarded to an MWBE, or only to an SDVOB, or only to an MWBE or an SDVOB. The basis for such a determination must be to promote participation of MWBEs and SDVOBs in Authority contracts, as mandated by Article 15-A and Article 17-B of the Executive Law, respectively, and to assist the Authorities in achieving their MWBE and SDVOB goals.

Notice of such procurements shall be placed on the Authority website inviting responsive bids/proposals from qualified SBCs, MWBEs and/or SDVOBs. Awards pursuant to this process shall be made to the bidder/proposer determined to have submitted the bid/proposal that is most advantageous to the Authority after considering price and any

other relevant factors. The CPO may reject all offers and withdraw the designation of a contract as one to be awarded pursuant to this process if the CPO determines that an award will result in the payment of an unreasonable price or otherwise not be advantageous to the Authority.

The value for SDVOB set aside contracts may be in excess of \$1 million. In these instances, notice of such procurements must also be placed in the NYSCR.

- C. For contracts awarded pursuant to these Service Contract Guidelines, other than those whose award process is described in Article V.B., the Authority shall establish appropriate goals for participation by MWBEs and SDVOBs and for the utilization by prime contractors of MWBEs as subcontractors and suppliers. Statewide MWBE numerical participation target goals will be established by the Authority based on the findings of the most recent New York State Disparity Study.
- D. The Authority will conduct non-federally funded procurements in a manner that enables the Authority to achieve the maximum feasible portion of the goals set pursuant to Article V.C., including by taking the following actions:
  - (1) establishing measures and procedures to ensure that MWBEs and SDVOBs are given the opportunity for maximum feasible participation in the performance of Authority contracts and to assist in the identification of those contracts that are best suited for MWBE and SDVOB participation so as to facilitate the Authority's achievement of the maximum feasible portion of the MWBE and SDVOB goals;
  - (2) designating the New York State Division of Minority and Women-owned Business Development ("**DMWBD**") to certify and decertify MWBEs, and the Office of General Services ("**OGS**") Division of Service-Disabled Veterans' Business Development to certify and decertify SDVOBs, for purposes of these Service Contract Guidelines;
  - (3) setting forth in each contract solicitation the expected degree of MWBE and SDVOB participation based on potential subcontracting opportunities and the availability of MWBEs and SDVOBs to respond competitively to those opportunities;
  - (4) providing to prospective contractors in writing or by identifying a link to a website containing a current list of MWBEs and SDVOBs;
  - (5) with regard to JVs, allowing a bidder/proposer to count toward meeting its MWBE and SDVOB participation goal, the MWBE or SDVOB portion of the JV;
  - (6) waiving a contractor's obligation relating to MWBE or SDVOB participation after a showing of good faith efforts to comply with the participation goal; and
  - (7) verifying that MWBEs and SDVOBs listed in a successful bid/proposal are actually participating to the extent listed in the project for which the bid/proposal was submitted.

- E. The Authority will also consider, where practicable:
- (1) the severability of service requirements and other bundled service contracts;
  - (2) with respect to MWBEs, the implementation of a program that will enable the Authority to evaluate each contract to determine the appropriateness of the goal pursuant to the most recent New York State Disparity Study; and
  - (3) compliance with the requirements of any federal law or regulations concerning opportunities for any DBEs, MWBEs and SDVOBs that effectuates the purposes of this Article V.
- F. The Chief Diversity Officer or his/her designee is responsible for ensuring compliance with all applicable laws and regulations with regard to the utilization of DBEs on federally funded Service Contracts.

#### **Article VI - Types of Provisions to be Contained in Service Contracts**

- A. The following types of provisions shall be contained in all Personal Services Contracts, to the extent applicable due to the specifications of such Personal Service Contract:
- (1) Description of services
  - (2) Compensation
  - (3) Time for performance or date of completion
  - (4) Liability of contractor or consultant; indemnification of Authority
  - (5) Reports of contractor or consultant
  - (6) Ownership of plans, drawings or other deliverables
  - (7) Assignments; subcontracts
  - (8) Maintenance of records, accounts
  - (9) Right of Authority to inspect and/or audit books and records
  - (10) Insurance requirements
  - (11) Termination
  - (12) Monitoring of the performance of services
  - (13) Use of Authority supplies, facilities or property
  - (14) Use of Authority personnel
  - (15) All provisions required to be included in Authority contracts by federal, state or local laws, ordinances, codes, rules or regulations
  - (16) Such modifications and additions as are appropriate in light of the specific circumstances presented
- B. To the extent practicable, a verbal authorization to commence work and a letter of intent/notice to proceed shall be required, which at a minimum shall:
- (1) Describe the services to be performed;
  - (2) Specify the amount of compensation to be paid pursuant to the verbal authorization and letter of intent/notice to proceed or the rates or fees which will be utilized to determine such compensation; and

- (3) Specify a date for completion or the anticipated duration of the services (except in instances where the nature of the services makes an estimate of the time required impossible or impracticable or where the contract is a retainer for the performance of services over an extended period of time on an "as-needed" basis and contains provisions allowing termination by the Authority at any time without cause).

For the avoidance of doubt, such letter of intent/notice to proceed shall NOT constitute the final Service Contract.

- C. Miscellaneous Service Contracts shall contain those provisions of Article VI.A. and other standard forms of contract deemed appropriate by an Authorized Officer.

### **Article VII - Responsibilities of Services Contractors**

In each Service Contract, a service contractor shall have the following responsibilities:

- A. To perform the contract in accordance with its terms and to remain a responsible contractor;
- B. To perform the services required under the contract competently, efficiently, in a timely manner, at a fair and reasonable cost and in a manner which is satisfactory to the Authority; and
- C. To cooperate with Authority personnel who are directing, supervising or monitoring the performance of the services or who are assisting in their performance.

### **Article VIII - Contracts Involving Former Officers or Employees of the Authority**

The Authority may enter into contracts with any Authority's former officers, former employees or with firms employing such former officers or former employees only to the extent permitted by Public Officers Law §73.

### **Article IX - Reporting of Service Contracts**

- A. Each Authority shall maintain records, for each fiscal year, of the following contracts entered into by the Authority at the request of such Division/Department: (1) Personal Service Contracts in the actual or estimated amount of \$15,000 or more; and (2) Miscellaneous Service Contracts in the actual or estimated amount of \$15,000 or more.
- B. The Authorized Officer shall designate a Division or Department which shall be responsible for preparing a report at the end of each fiscal year with respect to the foregoing contracts. With respect to each such contract, the report shall contain the following information:
  - (1) Name of contractor;
  - (2) Short description of the services involved;
  - (3) Amounts paid pursuant to the contract as of the end of such fiscal year;
  - (4) The selection process used;

- (5) Status of the contract;
- (6) If it was exempt from advertising in the NYSCR pursuant to Article IV.C. of these Service Contract Guidelines, state that and include a basis for such exemption;
- (7) Whether the contract was entered into with a New York State business enterprise or a foreign business enterprise, as those terms are defined in Public Authorities Law §2879;
- (8) Whether the contract was entered into with an MWBE or SDVOB; and
- (9) Referrals to and penalties imposed by the Director of DMWBD pursuant to Executive Law §316.

C. Each Authority shall submit a copy of such report to the Board of the Authority upon its completion.

**Article X – Board Approval**

The following Service Contracts shall require Board approval by resolution, approved by a majority of the members present at a meeting at which a quorum is in attendance and shall be reviewed by the Board on an annual basis:

- A. Personal Service Contracts: all Personal Service Contracts entered into by an Authority in the actual or estimated amount in excess of \$1 million , except if awarded to the lowest responsible bidder pursuant to competitive sealed bids; and
- B. Miscellaneous Service Contracts: all Miscellaneous Service Contracts entered into by an Authority in the actual or estimated amount in excess of \$1 million, unless awarded pursuant to competitive sealed bids.

**Article XI - Change Orders**

An Authority may enter into a change order or amendment to a Service Contract provided that approval of the Board of the Authority by a resolution approved by a majority of the members present at a meeting at which a quorum is in attendance shall be required in the following circumstances:

- A. The Service Contract did not initially equal or exceed the applicable monetary threshold for Board approval set forth in Article XI or Article II of these Service Contract Guidelines and the applicable threshold is equaled or exceeded as a result of the change order or amendment. This provision applies to all Service Contracts subject to these Service Contract Guidelines.
- B. The Service Contract was approved by the Board and the change order or amendment, including any change orders or amendments since Board approval was last obtained, results in a substantial change in the contract as determined by an Authorized Officer. Notwithstanding the foregoing, Board approval of change orders shall only be required if the change order is over \$1 million. In order to avoid splitting change orders or amendments to below \$1 million for the purpose of avoiding the Board approval requirements of this Article XI.B., the CPO of the relevant Authority must approve multiple change orders or amendments to the same contract and for the same scope of

work, if all such change orders or amendments for any rolling 12-month period would equal to or be more than \$1 million.

For example only, if change order #1 is issued in March Year 1 for \$600,000, change order #2 is issued in June Year 1 for \$300,000 and change order #3 is issued in January Year 2 for \$200,000 (all for the same scope of work), then the CPO would be required to approve change order #3 because the total amount would be \$1.1 million for the rolling 12-month period from March Year 1 to March Year 2, and further the CPO would need to approve any other change order issued during any rolling 12-month period which would bring that 12-month period total to be equal to or greater than \$1 million.

- C. Notwithstanding the foregoing, an Authorized Officer may enter into a change order or amendment without Board approval in any of the following situations as determined by an Authorized Officer,
  - (1) The existence of an emergency, other critical need or unforeseen circumstance;
  - (2) The risk of a substantial increase in cost or delay if prompt action is not taken; or
  - (3) The change order does not change the total contract price to exceed the contract budgeted cost, including contingency.
- D. The Chairman shall establish policies with respect to the delegation of responsibilities set forth in this Article.

#### **Article XII – Miscellaneous**

- A. Any provision of these Service Contract Guidelines may be waived by the Chairman, an Authority President or the Board, or such individuals as they may designate, except to the extent prohibited by law. A waiver may also be in the form of a ratification. If a contract is federally assisted, prior to issuing a waiver, consideration should be given to the steps which may be taken to assure that federal assistance is not jeopardized.
- B. No Board Committee action or Authority policy, other than one approved by the Chairman, shall be inconsistent with these Service Contract Guidelines.
- C. An Authority may not divide or split any contract or series of contracts for the purpose of avoiding the requirements of these Service Contract Guidelines, provided that with regard to discretionary contracts awarded under Article V.B., an Authority may divide requirements for the purpose of unbundling contracts to create discretionary contracting opportunities.
- D. Nothing in these Service Contract Guidelines shall preclude the Authority from accepting bids/proposals utilizing an electronic bidding system that may inform bidders whether their bid is the current low bid, and allow bidders to submit new bids before the date and time assigned for the opening of bids. Such procedure shall not constitute disclosure in violation of Section 2878 of the Public Authorities Law.

- E. A Service Contract awarded by an Authority pursuant to the provisions of these Service Contract Guidelines may provide that the Service Contract includes the requirements of one or more other Authorities.
- F. The Authority shall prepare a publicly available report no less frequently than annually, summarizing procurement activity by the Authority for the period of the report, in accordance with the reporting requirements of Section 2879(6) of the Public Authorities Law.
- G. These Service Contract Guidelines are intended for the guidance of officers and employees of the Authority only. Nothing contained herein is intended or shall be construed to confer upon any person, firm or corporation any right, remedy, claim or benefit under or by reason, of any requirement or provision thereof.
- H. An Authority may contract for a service available through an existing contract between a contractor and another public authority (not New York State) if: (1) the existing contract was awarded pursuant to a process of competitive sealed bids or a competitive RFP; (2) the Authority's Authorized Officer determines that the price and other commercial terms specified in the contract are satisfactory; and (3) if Board authorization would otherwise be required under these Service Contract Guidelines, the Board adopts a resolution by a majority vote of the members of the Board present at a meeting at which a quorum is in attendance, which sets forth the reasons why obtaining such service is in the public interest and authorizes the Authority to enter into the Service Contract.
- I. An Authority may contract for a service available through an existing contract between a contractor and a New York State agency or authority (including OGS), the City of New York or Nassau County (except for NYCT, SIRTOA and MaBSTOA, as to Nassau County only) if: (1) the Authority's Authorized Officer determines that the price and other commercial terms specified in the contract are satisfactory; and (2) if Board authorization would otherwise be required under these Service Contract Guidelines, the Board adopts a resolution by a majority vote of the members of the Board present at a meeting at which a quorum is in attendance, which sets forth the reasons why obtaining such service is in the public interest and authorizes the Authority to enter into the Service Contract.
- J. If an Authority enters into a Service Contract pursuant to these Service Contract Guidelines, and such Service Contract allows all other Authorities to utilize the same Service Contract, then no further action is required. For the avoidance of doubt, the provisions of Article II.C. and Article XI shall apply to change orders to all such Service Contracts.
- K. Nothing contained in these Service Contract Guidelines shall be deemed to alter, affect the validity of, modify the terms of or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of these Service Contract Guidelines.
- L. Where applicable federal, state or local laws, ordinances, codes, rules or regulations contain requirements which are in conflict with or which impose greater obligations upon

the Authority than these Service Contract Guidelines, then such requirements shall take precedence over those contained herein.

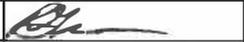
- M. For those Service Contracts for which the Office of the State Comptroller (“OSC”) has requested review and approval pursuant to Public Authorities Law §2879-a, if the Authority has not received OSC approval or disapproval within thirty days of submission to the OSC, the Authority may enter into such Service Contract without further waiting for such review and approval.

# Staff Summary

<b>Subject</b> <b>Mission Statement, Measurements, and Performance Indicators Report</b>
<b>Department</b> <b>Chief Operating Officer</b>
<b>Department Head Name</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b>

<b>Date</b> <b>March 30, 2022</b>
<b>Vendor Name</b> <b>N/A</b>
<b>Contract Number</b> <b>N/A</b>
<b>Contract Manager Name</b> <b>N/A</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
	Corporate Governance	3/28/22			
	Board	3/30/22			

Internal Approvals			
Order	Approval	Order	Approval
1	Dep. Chief Operating Officer		
2	Chief Compliance Officer		
3	Legal		

**Purpose:**

To obtain Board approval of the MTA’s Mission Statement and to authorize submission of the annexed 2021 Mission Statement, Measurements, and Performance Indicators Report (the “Report”) to the Independent Authorities Budget Office (“ABO”).

**Discussion:**

Section 1269-f and Section 2824-a of the Public Authorities Law require MTA to annually reexamine its mission statement, reassess its stakeholders and selected performance measurement indicators, and to submit a report based on the performance indicator results from the previous year.

The MTA and its Board engage in oversight of agency operating performance throughout the year. The Board, through its transit, rail and bridge/tunnel operating committees, closely monitors agency operating performance. Each operating agency reports its most recent performance data in posted monthly reports and in committee books distributed in advance of public MTA operating committee meetings, which are conducted at least eleven times a year. At these public meetings, operating agency results are reviewed and discussed by Board members and agency senior staff. In addition, presentations focused on particular areas of performance are made by the agency staff to the Board operating committees periodically through the year, in accordance with the work plan schedule of each operating committee. The MTA website also contains a “Performance Dashboard” for each of the MTA operating agencies, updated monthly, summarizing the agencies’ leading performance measurements.

The Report compiles the MTA Mission Statement, Stakeholder Assessment and the performance measurements from 2021. The operating agencies have each submitted, within the Report, a summary that evaluates agency performance on the applicable indicators in the past year.

**Recommendation:**

It is recommended that the MTA Board approve the annexed Report and authorize submission of such Report as required by Section 1269-f and Section 2824-a of the Public Authorities Law to the ABO.



**Metropolitan Transportation Authority**

**Metropolitan Transportation Authority  
Mission Statement, Measurements, and Performance  
Indicators Report Covering Fiscal Year 2021**

**In Compliance with New York State Public Authorities Law §1269-f and §2824-a  
Submitted as Part of the MTA 2021 Annual Report to the Governor**

## **Note**

All MTA operations, finances, and performance indicators continue to be impacted by the Covid-19 pandemic and the 2021 Omicron variant surge. Prior to the pandemic, subway ridership routinely topped 5.5 million on an average weekday. It plummeted by 95 percent to about 300,000 daily rides in April 2020, while ridership on buses and commuter trains experienced similarly dramatic declines. Financial uncertainties during the depths of the pandemic also resulted in staffing shortages during 2021 that have had a lingering effect on some aspects of transit performance. These shortages are being actively addressed with an accelerated program of recruitment and training. Over the course of 2021, MTA agencies have made steady progress in rebuilding ridership. By November, subway weekday ridership was exceeding 3.3 million rides on a sustained basis, while the combined MTA services topped 5 million riders per day. Other impacts on specific performance indicators are footnoted where relevant in the course of this report. Note that some data in this report are preliminary and may be subject to reconciliation as data are finalized over the course of the year. For that reason, some 2020 data in this report may differ from those reported earlier in 2020, and some 2021 data may be adjusted in future reporting. All agency performance metrics are updated regularly on the [Performance Dashboards](#) under the “Transparency” section at [www.mta.info](http://www.mta.info). Details on MTA Capital Program projects, managed by MTA Construction & Development, can be found on the website under “Transparency” at the [Capital Program Dashboard](#).

## MTA Mission Statement

The Metropolitan Transportation Authority (MTA) preserves and enhances the quality of life and economic health of the region it serves through the cost-efficient provision of safe, on-time, reliable, and clean transportation services.

## Stakeholder Assessment

The main stakeholders of the MTA are its customers; the businesses, residents, and taxpayers of our service area and the State; the MTA’s employees and unions; and its government partners.

A set of goals for each group has been defined, along with performance indicators to measure the attainment of these goals.

<b>Customers</b>			
<b>Our customers are those who ride our trains and buses or cross our bridges and tunnels. They include the residents of our region, as well as visitors. Our customers expect service that is safe, on-time, reliable, and that provides good value for their money.</b>			
<b>MTA Goals</b>	<b>Performance Indicators</b>		
Ensure our customers’ safety	<ul style="list-style-type: none"> <li>✓ Customer injury rates</li> <li>✓ Bus collision rates</li> </ul>		
Provide on-time and reliable services	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> <li>✓ Subway major incidents</li> <li>✓ Subway service delivered</li> <li>✓ Customer journey time performance</li> <li>✓ Additional platform time</li> <li>✓ Additional train time</li> <li>✓ On-time performance (subway and commuter railroads)</li> <li>✓ Subway terminal delays</li> <li>✓ Subway wait assessment</li> </ul> </td> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> <li>✓ Bus trips completed</li> <li>✓ Bus Customer journey time performance</li> <li>✓ Bus additional bus stop time</li> <li>✓ Bus additional travel time</li> <li>✓ Bus service delivered</li> <li>✓ Bus average speeds</li> <li>✓ Bus wait assessment</li> <li>✓ Mean distance between failures (subway, railroads, buses)</li> </ul> </td> </tr> </table>	<ul style="list-style-type: none"> <li>✓ Subway major incidents</li> <li>✓ Subway service delivered</li> <li>✓ Customer journey time performance</li> <li>✓ Additional platform time</li> <li>✓ Additional train time</li> <li>✓ On-time performance (subway and commuter railroads)</li> <li>✓ Subway terminal delays</li> <li>✓ Subway wait assessment</li> </ul>	<ul style="list-style-type: none"> <li>✓ Bus trips completed</li> <li>✓ Bus Customer journey time performance</li> <li>✓ Bus additional bus stop time</li> <li>✓ Bus additional travel time</li> <li>✓ Bus service delivered</li> <li>✓ Bus average speeds</li> <li>✓ Bus wait assessment</li> <li>✓ Mean distance between failures (subway, railroads, buses)</li> </ul>
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Provide services to people with disabilities	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> <li>✓ Elevator availability</li> <li>✓ Escalator availability</li> <li>✓ Bus passenger wheelchair lift usage (does not include paratransit)</li> <li>✓ Paratransit ridership</li> <li>✓ Access-A-Ride on-time performance</li> </ul> </td> <td style="vertical-align: top; width: 50%;"> <ul style="list-style-type: none"> <li>✓ Access-A-Ride on-time performance</li> <li>✓ Access-A-Ride provider no-shows</li> <li>✓ Access-A-Ride ride time</li> <li>✓ Access-A-Ride call center, calls answered*</li> <li>✓ Passenger complaints</li> </ul> </td> </tr> </table>	<ul style="list-style-type: none"> <li>✓ Elevator availability</li> <li>✓ Escalator availability</li> <li>✓ Bus passenger wheelchair lift usage (does not include paratransit)</li> <li>✓ Paratransit ridership</li> <li>✓ Access-A-Ride on-time performance</li> </ul>	<ul style="list-style-type: none"> <li>✓ Access-A-Ride on-time performance</li> <li>✓ Access-A-Ride provider no-shows</li> <li>✓ Access-A-Ride ride time</li> <li>✓ Access-A-Ride call center, calls answered*</li> <li>✓ Passenger complaints</li> </ul>
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Repair, replace, and expand transportation infrastructure	<ul style="list-style-type: none"> <li>✓ Capital Program commitments</li> <li>✓ Capital Program completions</li> </ul>		

Note: All indicators are updated regularly on Performance Metrics under Transparency at [www.mta.info](http://www.mta.info).

## Businesses, Residents, and Taxpayers

The businesses, residents, and taxpayers in our service area want the MTA to spend its resources efficiently and appropriately, while enhancing the mobility of the region.

MTA Goals	Performance Indicators
Perform services in an efficient manner	<ul style="list-style-type: none"> <li>✓ Farebox operating ratio</li> <li>✓ Operating cost per customer</li> <li>✓ Total support to mass transit</li> </ul>
Maximize system usage	<ul style="list-style-type: none"> <li>✓ Ridership</li> <li>✓ Traffic volume</li> </ul>
Repair, replace, and expand transportation infrastructure	<ul style="list-style-type: none"> <li>✓ Capital Program commitments</li> <li>✓ Capital Program completions</li> </ul>

## Employees and Unions

Our employees and unions expect a safe workplace, skills training relevant to their roles, and opportunities for growth.

MTA Goals	Performance Indicators
Ensure our employees' safety	<ul style="list-style-type: none"> <li>✓ Employee lost time and restricted-duty rate</li> </ul>
Maintain a workforce that reflects the regional availability of all races, nationalities, and genders for our industry	<ul style="list-style-type: none"> <li>✓ Female representation in MTA workforce</li> <li>✓ Minority representation in MTA workforce</li> </ul>

## Government Partners (Federal, State, and Local Governments)

Our government partners expect us to enhance regional mobility by providing excellent service, while spending our resources in a cost-effective and appropriate manner.

MTA Goals	Performance Indicators
Provide on-time and reliable services	<ul style="list-style-type: none"> <li>✓ Subway major incidents</li> <li>✓ Subway service delivered</li> <li>✓ Customer journey time performance*</li> <li>✓ Additional platform time</li> <li>✓ Additional train time *</li> <li>✓ On-time performance (subway and commuter railroads)</li> <li>✓ Subway terminal delays</li> <li>✓ Subway wait assessment</li> </ul> <ul style="list-style-type: none"> <li>✓ Bus trips completed</li> <li>✓ Bus Customer journey time performance *</li> <li>✓ Bus additional bus stop time</li> <li>✓ Bus additional travel time*</li> <li>✓ Bus service delivered *</li> <li>✓ Bus average speeds *</li> <li>✓ Bus wait assessment</li> <li>✓ Mean distance between failures (subway, railroads, buses)</li> </ul>
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Repair, replace, and expand transportation infrastructure	<ul style="list-style-type: none"> <li>✓ Capital Program commitments</li> <li>✓ Capital Program completions</li> </ul>

## MTA New York City Transit (“NYCT”)

Performance Indicators	2020 Actual	2021 Actual
<b>NYCT Subway Service Indicators</b>		
Weekday Major Incidents – Subways (monthly average)	24.3*	33.5
Customer Journey Time Perf. (% within 5 min of scheduled)	85.8%	83.8%
Additional Platform Time (average beyond scheduled)	0:01:07	0:01:26
Additional Train Time (average beyond scheduled)	0:00:20	0:00:12
Weekday Service Delivered – Subways	96.4%	92.2%
Weekday Terminal On-Time Performance – Subways	88.6%	85.2%
Weekday Terminal Delays – Subways (monthly average)	17,150	25,370
Mean Distance Between Failures – Subways (miles)	146,297	150,363
Weekday Wait Assessment – Subways	75.6%	68.3%
Elevator Availability – Subways	96.8%	96.6%
Escalator Availability – Subways	92.4%	91.3%
Total Ridership – Subways	639,536,812	759,810,246 **
Weekday On-Time Performance – Staten Island Railway	97.6%	96.6%
Mean Distance Between Failures – Staten Island Railway (miles)	53,946	29,343
<b>NYCT Bus Service Indicators</b>		
Percent of Completed Trips – NYCT Bus	98.1%	95.3%
Customer Journey Time Perf – NYCT & MTA Bus (% within 5 min of scheduled)	77.3%	75.5%
Additional Bus Stop Time – NYCT & MTA Bus (average beyond scheduled)	0:01:33	0:01:58
Additional Travel Time – NYCT & MTA Bus (average beyond scheduled)	0:00:00	0:00:00
Bus Customer Wheelchair Lift Usage – NYCT Bus	969,485	952,720
Service Delivered – NYCT & MTA Bus (% scheduled buses, peak hrs.)	96.1%	93.8%
Bus Speeds – NYCT & MTA Bus (average route speed, end-to-end)	8.4 mph	8.2 mph
Total Ridership – NYCT Bus	313,361,162	311,711,871
Mean Distance Between Failures – NYCT & MTA Bus (miles)	8,269	7,480
Wait Assessment – NYCT & MTA Bus	80.0%	75.9%

Notes: Performance indicators for 2021 were impacted by the ongoing Covid-19 pandemic. Some 2020 results have been updated.  
 \*Weekday Major Incidents exclude March and April 2020 due to use of projections. \*\*Subway 2021 ridership including SIR is 761,142,069. All indicators are updated regularly on Performance Metrics under Transparency at [www.mta.info](http://www.mta.info).

<b>Performance Indicators</b>	<b>2020 Actual</b>	<b>2021 Actual</b>
<b>NYCT Paratransit Service Indicators</b>		
Total Paratransit Ridership – NYCT Bus	7,117,057	7,835,975
AAR On-Time Performance Pick up within (30 min) / (15 min)	30 min: 98% 15 min: 91%	30 min: 93% 15 min: 80%
AAR Appointment OTP Trips (30 min early to 1 min late)	39%	N/A
AAR Actual Ride Time at or Better than Planed Ride Time	86%	83%
AAR Customer Experience – Frequent Rider Experience	74%	n/a
AAR Call Center (% of calls answered)	97%	90%
AAR Passenger Complaints (per 1000 completed trips)	2.8	7.4
AAR Registrants	161,776	166,100
<b>NYCT Safety Indicators</b>		
Customer Injury Rate – Subways (per million customers)	4.39	4.06
Customer Accident Injury Rate – NYCT Bus (per million customers)	1.90	2.19
Collisions with Injury Rate – NYCT Bus (per million vehicle miles)	4.95	5.71
Employee Lost Time and Restricted-Duty Rate – NYCT Subways (per 100 employees)	4.92	4.05
Employee Lost Time and Restricted-Duty Rate – NYCT Bus (per 100 employees)	7.01	6.36
<b>NYCT Workforce Indicators</b>		
Female Representatives in NYCT Workforce	18.6 %	18.3 %
Minority Representatives in NYCT Workforce	79.3%	80.3%
<b>NYCT Financial Indicators</b>		
Farebox Operating Ratio	25.2%	28.3%
Operating Cost per Passenger	\$11.29	\$9.14
<b>NYCT Capital Program Indicators</b>		
Commitments in \$ Millions (% of annual goal)	\$2.879 (34%)	\$3,684 (96%)
Completions in \$ Millions (% of annual goal)	\$2.504 (87%)	\$1,781 (50%)

Notes: AAR ridership includes customers, personal care attendants, and guests. Financial indicators include NYCT Subways, Buses, and Paratransit and are preliminary. Actual 2021 service indicators will be updated in April 2022. The Operating Cost per Passenger excludes debt service. The Capital Program Commitments/Completions have been adjusted to include “rollovers” from previous years achieved in 2021. Projects details are available on the Capital Programs Dashboard under Transparency at [www.mta.info](http://www.mta.info).

**MTA GOAL: Ensure Customer Safety**

**PERFORMANCE INDICATORS: Customer Injury Rate**

The “customer injury rate” for NYCT Subways was 4.06 per million customers in 2021, down 7.5 percent from the previous year. This remains much higher than the typical prepandemic rates of 2.94 per million in 2019 rate and 2.99 per million in 2018. This increase is attributable to the impact of low ridership during the pandemic on the relative number of injuries. NYCT Subways continues its efforts to improve customer safety through safety messaging, train announcements, incident reports, and the training and deployment of station staff. In 2021, NYCT Subways continued its systemwide car and station disinfection program, provision of masks and sanitizer to customers, Covid-19 safety messaging, and other initiatives to combat the pandemic and maximize customer safety.

For NYCT Department of Buses (NYCT DOB), the “customer accident injury rate” increased by 15.3 percent in 2021, from 1.90 per million customers to 2.19 per million. The actual number of customer injuries increased from 595 in 2020 to 684 in 2021. The agency uses accident trends to improve safety programs, training, and messaging.

NYCT DOB saw an increase in its 2021 “collision injury rate” of 15.4 percent over the previous year to 5.71 injuries per million vehicle miles. This rise was largely due to the rise in citywide traffic volume caused by the recovery from Covid-19 and the gradual reopening of New York City. NYCT DOB continued to incorporate relevant accident findings into its safety and training initiatives. These initiatives focus on basic operating procedures in bus stop areas, including scanning mirrors, observing all sides of the bus, pulling in and out of bus stops properly, and positioning the bus correctly in the bus stop.

NYCT DOB continued its Vision Zero IV class, an eight-hour training session that emphasizes the challenges in dealing with pedestrians and cyclists. In 2020, the class was combined with de-escalation training, which now addresses assaults on bus operators related to Covid-19 rules. All bus operators will be cycled through this new curriculum over a two-year period. A de-escalation “trailer” video is being circulated on the FYI Network at all MTA and NYCT locations.

## **NYC Transit, cont.**

To monitor bus operators, the agency uses indicators such as speed-camera violations, red-light violations, cellphone infractions, and customer complaints. In a joint agreement with all labor unions, NYCT DOB continues its “zero-tolerance” policy on use of cellphones and electronic devices while operating a bus. The agency also worked with its labor representatives to see that operators who receive speed-camera violations are disciplined and must pay the fine.

### **MTA GOAL: Provide On-Time and Reliable Services**

**PERFORMANCE INDICATORS: On-Time Performance, Mean Distance Between Failures, Major Incidents, Service Delivered, Terminal Delays, Wait Assessment, Bus Trips Completed, Bus Average Speeds, Bus Additional Travel Time**

Prior to the pandemic, NYCT Subways had seen significant year over year improvements in key metrics, due largely to the success of the Subway Action Plan and the “Save Safe Seconds” campaign. The pandemic brought drastic changes to the operating environment, both in ridership and employee availability. Due to the related fiscal challenges, the MTA implemented a hiring freeze for operational positions in April 2020. Subsequently, operator vacancies and availability impacted NYCT performance metrics. The freeze was lifted early in 2021, and both subway and bus operations have instituted an aggressive hiring plan to fill vacancies and return to pre-pandemic vacancy levels by the middle of 2022.

For NYCT Subways, some favorable measures in 2021 included a faster “additional train time”—down to just 12 seconds—as speed improvements allowed trains to run faster. Weekday “on-time performance” (OTP), while lower than 2020, remains higher than prepandemic levels at 85.2 percent. “Mean distance between failures” (MDBF) also rose by over 22,000 miles, due to longterm investments in the car fleet, coupled with less wear on equipment. Employee availability has caused some metrics to worsen, including “additional platform time,” up 15 seconds on average per customer since last year, and “service delivered,” down 4.2 percent from last year’s peak periods.

As indicated on the performance chart above, NYCT DOB and MTA Bus report combined data in some instances. For complete MTA Bus performance data, see page 28 of this report. The combined agencies posted an MDBF of 7,480 miles in 2021, a decrease of 9.5 percent from the

previous year. The percentage of NYCT DOB “trips completed” decreased to 95.3 percent in 2021.

For both bus agencies, “additional travel time” fell to zero in 2021; “customer journey time” decreased by 1.8 percent to 75.5 percent; and “wait assessment” decreased by 4.1 percent to 75.9 percent. “Service delivered” decreased by 2.3 percent in 2021 to 93.8 percent, and average bus speeds decreased by 2.4 percent to 8.2 mph. Performance continued to be impacted by Covid-19 and the Omicron variant surge toward the end of 2021.

**MTA GOAL: Provide Services to People with Disabilities**

**PERFORMANCE INDICATORS: Elevator Availability, Escalator Availability, Bus Passenger Wheelchair Lift Usage, Paratransit Ridership, AAR Service Indicators**

Industrywide driver shortages, exacerbated by the 2021 Omicron surge, continue to pose challenges for AAR services. The agency is ramping up broker services to increase capacity and regularly engages with brokers and carriers to work out innovative solutions.

Overall AAR ridership (which includes customers, personal-care attendants, and guests) increased by 10.1 percent from 7,117,057 in 2020 to 7,835,975 in 2021. The number of registrants increased by 2.7 percent from 161,776 in 2020 to 166,100 in 2021. Demand in April 2020 had fallen to 64.6 percent of prepandemic levels, then gradually rose to 70 percent of prior levels in 2021. Complaints increased from 2.8 per 1,000 completed trips in 2020 to 7.4 per 1,000 in 2021. Pick-up OTP decreased from 98 percent to 93 percent within the 30-minute window, and from 91 percent to 80 percent within the 15-minute window. Due to the suspension of appointment-time bookings, the “customer experience” metric cannot be calculated for comparative purposes.

To address customer demand and service issues, AAR restored shared rides in July of 2021. The agency limited shared riding distances to under seven miles, and 85 percent of rides continued to be non-shared. As of December 27, 2021, all AAR drivers are required to have at least one dose of a Covid-19 vaccine and to receive a second dose within 45 days, in accordance with the

New York City workplace mandates. MTA continues to encourage all AAR customers who can do so to get their vaccines and boosters. Masks are required across the MTA system, including for AAR customers, personal-care attendants, guests, and drivers. In addition, all dedicated paratransit vehicles have installed driver safety barriers, which are disinfected prior to revenue service. In 2021, the MTA Board awarded three five-year service contracts for AAR Eligibility Assessment Services. With these new contracts, AAR Assessment Centers will be located in Staten Island, Brooklyn, Queens, and the Bronx, with the search for a Manhattan contract and location ongoing.

In other metrics, “wheelchair lift usage” at NYCT DOB decreased by 1.7 percent in 2021 to a total of 0.95 million customers. Improving accessibility to the bus network remains a top priority at both bus agencies. The MTA rolled out over 260 new buses in 2021 with wider doors and ramps for easier access.

**MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure**

**PERFORMANCE INDICATORS: Capital Program Commitments and Completions**

Third-party construction projects in the MTA Capital Program are now managed by MTA Construction & Development (MTA C&D). The agency committed \$3.7 billion of its Capital Program funds for NYC Transit in 2021, or 96 percent of the annual goal. Major commitments included: purchase of standard and hybrid-electric standard buses; mainline track and switch replacement at multiple locations; and a number of station improvements, including several major ADA projects and elevator-escalator replacements. Additionally, the agency awarded Phase 1 of the Livonia Maintenance Facility rehabilitation project, which will reconstruct high-priority components at the facility. Commitments in 2021 also included repairs to NYCT facilities and infrastructure damaged by Superstorm Sandy, along with resiliency projects to prevent future storm damage.

Also in 2021, MTA C&D achieved capital program completions for NYCT projects worth \$1.8 billion, representing 50 percent of the annual goal. Major completions included: switch and interlocking modernization on the Culver Line and a number of station improvements, including ADA projects and numerous elevator and escalator replacements.

Completions in 2021 also included multiple repairs to NYCT facilities and infrastructure damaged by Superstorm Sandy, along with resiliency projects to prevent future storm damage. Project sites included the Rutgers Tube between Brooklyn and Manhattan and 148th Street Yard in upper Manhattan.

**MTA GOAL: Perform Services in an Efficient Manner**

**PERFORMANCE INDICATORS: Farebox Operating Ratio, Operating Cost per Passenger**

The NYCT financial indicators combine NYCT Subways, NYCT Buses, and Paratransit. Despite plummeting ridership, NYCT has continued to operate throughout the pandemic, carrying essential workers to wherever they are needed. The subsequent loss of revenue has had a major impact on both 2020 and 2021 financial indicators. The preliminary 2020 indicators were adjusted slightly subsequent to last year's report.

The 2020 farebox operating ratio went from 23.6 percent to 25.2 percent, less than half that of the prepandemic ratio in 2019. The 2021 ratio rose by 3.1 percent to 28.3 percent. Preliminary operating cost per passenger, or cost per ride, is calculated in the second quarter of each year, prior to the July Financial Plan. The preliminary 2020 cost per passenger of \$11.63 was adjusted to \$11.29, still over double that of the prepandemic cost. The cost fell in 2021 to a preliminary \$9.14 per passenger. The operating cost per passenger excludes debt service.

**MTA GOAL: Maximize System Usage**

**PERFORMANCE INDICATORS: Ridership**

Ridership on NYCT Subways increased by nearly 19.0 percent in 2021 over the previous year to 759.8 million rides. This remains well below prepandemic levels, which were trending upward

to 1.697 billion rides in 2019, pushing back towards the record levels of 2015. Under the impact of the pandemic, subway ridership fell by an unprecedented 62.3 percent over the course of 2020. The 19.0-percent gain for 2021 comes as NYCT undertakes vigorous efforts to recapture lost ridership, which is continuing to rise steadily at the time of this report, as the Omicron surge subsides across the region. Total NYCT DOB ridership decreased by 0.5 percent in 2021 to around 312 million riders, compared to 313 million riders the previous year.

**MTA GOAL: Ensure Our Employees' Safety**

**PERFORMANCE INDICATORS: Employee Lost Time and Restricted-Duty Rate**

The NYCT Subways employee “lost-time and restricted-duty” accident rates fell by 17.6 percent in 2021 to 4.05 per 100 employees. This remains above the prepandemic rate of 3.73 per 100 employees in 2019. Throughout the pandemic, the MTA has made extensive efforts to safeguard employees, including free vaccines and boosters, teleworking programs, distribution of PPE; safety messaging and training; a Covid-19 hotline; temperature screenings; social distancing protocols; schedule adjustments; and more.

In October 2021, the MTA began requiring all employees to submit proof of vaccination or undergo weekly testing. In addition, NYCT Subways continues its regular safety program for employees, including safety communications, safety audits, training, and accident investigations, along with the FASTRACK program to provide a safer working environment for maintenance and repair crews.

At NYCT DOB, the “lost-time and restricted-duty” rate decreased to 6.36 per 100 employees from 7.01 the previous year. The 9.3-percent decrease of is mainly due to the reduction of Covid-19 related incidents in 2021. The agency experienced a significant 17-percent increase in injuries

associated with assaults. Both NYCT and MTA Bus continued to undertake extensive efforts to safeguard employees during the pandemic, including safety protocols, distribution of PPE, disinfection of buses and facilities, testing and vaccination programs, and more.

Both bus agencies also continued initiatives aimed at protecting bus operators from assault, including installation of bus operator shields across the entire fleet, installation of onboard security cameras, training in de-escalation tactics, and review of customer complaints to identify employees for further counseling or training. Both agencies maintain robust safe-driving campaigns and continue to analyze employee injury data to identify trends and reduce lost-time accidents.

**MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders**

**PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce**

Female representation agency-wide fell incrementally in 2021 from 18.6 percent to 18.3 percent. This continues to fall below the estimated percentage of women available for work within NYCT's recruiting area. A contributing factor is the low percentage of women who apply for what are generally considered non-traditional jobs. NYCT will continue to increase its outreach and recruitment efforts to improve female representation within its workforce. Minority representation grew slightly from 79.3 percent in 2020 to 80.3 percent in 2021.

# MTA Long Island Rail Road (“LIRR”)

Performance Indicators	2020 Actual	2021 Actual
<b>Service Indicators</b>		
On-Time Performance	95.9%	96.3%
Elevator Availability	98.0%	98.7%
Escalator Availability	97.0%	95.3%
Total Ridership	30,310,190	35,036,746
Mean Distance Between Failures (miles)	241,175	231,337
<b>Safety Indicators</b>		
FRA-Reportable Customer Injury Rate (per million customers)	3.1	2.2
FRA-Reportable Employee Lost Time Rate (per 200,000 worker hours)	3.4	4.0
<b>Workforce Indicators</b>		
Female Representatives in LIRR Workforce	14.6%	13.0%
Minority Representatives in LIRR Workforce	37.0%	38.0%
<b>Financial Indicators</b>		
Farebox Operating Ratio	18.4%	18.9%
Operating Cost per Passenger	\$48.91	\$45.16
<b>Capital Program Indicators</b>		
Commitments in \$ Millions (% of annual goal)	\$1,066.6 (74%)	\$345.4 (71%)
Completions in \$ Millions (% of annual goal)	\$816.7 (100%)	\$364.3 (78%)

Notes: Performance indicators for 2020 and 2021 were impacted by the Covid-19 pandemic. The 2021 Farebox Operating Ratios are preliminary and will be updated by the MTA Division of Management & Budget in April 2022. Capital Program Commitments/Completions include any “slipped” projects from prior years that were achieved in 2021. LIRR ridership is calculated based on the number of tickets sold, multiplied by a factor related to each type of ticket. Monthly/weekly factor is based on the number of weekdays and weekend days per month.

**MTA GOAL: Ensure Customer Safety**

**PERFORMANCE INDICATORS: Customer Injury Rate**

In 2021, LIRR's "customer injury rate" decreased by 29 percent compared to the previous year. Penn Station remains the location with the greatest number of customer injuries. This is due to the volume of customers traveling through the busiest terminal in the LIRR system, as well as the infrastructure and operating constraints at this location. LIRR's "Let's Travel Safely Together" information campaign, produced in partnership with Amtrak, New Jersey Transit, and NYC Transit, remained an integral part of LIRR's safety program in 2021.

**MTA GOAL: Provide On-Time and Reliable Services**

**PERFORMANCE INDICATORS: On-Time Performance, Mean Distance Between Failures**

LIRR's "on-time performance" (OTP) for 2021 was 96.3 percent, making it the highest OTP the LIRR has seen since modern record keeping began in 1979. Compared to 2020, there was a reduction in engineering delays which can be attributed to progress made on infrastructure improvements. Capital delays were prevalent in 2021 as many projects were amped up after being slowed down in the previous year.

The agency's 2021 "mean distance between failures" (MDBF) decreased by 4.1 percent to 231,337 miles from 241,175 in 2020. The MDBF for both diesel and electric fleets performed well above the expected MDBF targets. The railroad continues to optimize fleet performance through its Reliability Centered Maintenance (RCM) program, thorough utilization of its Corporate Asset Management System, acquisition of the new M-9 fleet, and other performance initiatives.

**MTA GOAL: Provide Services to People with Disabilities**

**PERFORMANCE INDICATORS: Elevator Availability, Escalator Availability**

Elevator availability in 2021 was 98.7 percent, an increase of 0.7 percent compared to the prior year. Escalator availability decreased slightly to 95.3 percent, down 1.7 percent from 2020. The decrease in the escalator availability was due to major escalator outages at Penn Station, caused by emergency stop switch activation.

**MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure**

**PERFORMANCE INDICATORS: Capital Program Commitments and Completions**

The LIRR's 2021 capital commitments totaled more than \$345.4 million, or 71 percent of the year's goal. The railroad's 2021 capital completions totaled more than \$364.3 million, or 78 percent of the year's goal. Major completions during the year included: Jamaica Capacity Improvements (JCI's) Platform F construction, Moynihan Station Phase II construction and the 2021 Annual Track Program.

**MTA GOAL: Perform Services in an Efficient Manner**

**PERFORMANCE INDICATORS: Farebox Operating Ratio, Operating Cost per Passenger**

The LIRR's "farebox operating ratio" increased from 18.4 percent in 2020 to 18.9 percent in 2021, as estimated in the "MTA 2022 February Financial Plan, 2021 Final Estimate." The LIRR's operating cost per passenger decreased from \$48.91 in 2020 to \$45.16 in 2020. Both ratios reflect the continuing impacts of the Covid-19 pandemic. While both 2021 revenues and passengers are higher than 2020, the overall metrics are still way below typical rates. The more farebox operating ratio in 2019, for example, was 50.2 percent and operating cost per passenger was \$16.80.

**MTA GOAL: Maximize System Usage**

**PERFORMANCE INDICATORS: Ridership**

The LIRR finished 2021 with ridership growth, rebounding from the significant drop in 2020 due to the Covid-19 pandemic. Total ridership for 2021 was over 35.0 million customers, up 15.6 percent above over the previous year. However, this remains 61.6 percent lower than LIRR's ridership prior to the pandemic. A trend towards noncommuter ridership continued. The railroad's noncommutation ridership increased by 58.6 percent in 2021 to 25.3 million passengers, outperforming 2021 commutation ridership, which declined by 9.7 million passengers or about 32.3 percent.

**MTA GOAL: Ensure Our Employees' Safety**

**PERFORMANCE INDICATORS: Employee Lost Time Case Rate**

The rate of "FRA-reportable employee lost-time injuries" increased 17.6 percent in 2021 compared to the previous year. The highest number of employee accidents continues to be in the "slips, trips, and falls" category. Most injuries are soft tissue injuries. To maximize employee safety, LIRR continues its efforts to raise awareness among employees and encourage collaborative problem solving. These efforts have involved many labor-management initiatives, including a Confidential Close Call Reporting System (C3RS) and monthly department safety meetings.

LIRR also conducts quarterly Safety FOCUS Day meetings, during which employees take time to discuss specific safety issues provided by the LIRR Corporate Safety and other departments. The aim is to engage employees in the field and improve safety performance based on their feedback. Along with the other MTA agencies, LIRR undertook extensive efforts to protect employees during the Covid-19 pandemic, including safety messaging and education, distribution of PPE, facilities sanitization, and free vaccination and booster programs. In October 2021, the MTA began requiring all employees to submit proof of vaccination or undergo weekly testing.

**MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders**

**PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce**

The percentage of women in LIRR's workforce decreased slightly in 2021 to 13.0 percent from 14.6 percent the previous year. This falls below the estimated percentage of women available for work in LIRR's recruitment area. Many of the positions available in 2021 are considered nontraditional jobs for women and, as a result, attract a low percentage of female applicants. The percentage of minority representation increased slightly from 37 percent in 2020 to 38 percent in 2021. This is above the estimated percentage of minorities available in LIRR's recruitment area. LIRR continues to focus on efforts to improve the representation of women and minorities in its workforce.

## **MTA Metro-North Railroad (“Metro-North”)**

<b>Performance Indicators</b>	<b>2020 Actual</b>	<b>2021 Actual</b>
<b>Service Indicators</b>		
On-Time Performance (East of Hudson)	97.9%	97.1%
On-Time Performance (West of Hudson)	94.4%	93.4%
Elevator Availability	99.4%	99.8%
Escalator Availability	99.9%	99.9%
Total Rail Ridership (East & West of Hudson)	27,169,873	30,722,008
Total Ridership on Connecting Services by MNR Contractors	146,878	106,375
Mean Distance Between Failures (miles)	278,951	190,518
<b>Safety Indicators</b>		
FRA-Reportable Customer Injury Rate (per million customers)	1.39	1.79
FRA-Reportable Employee Lost Time Rate (per 200,000 worker hours)	2.17	1.97
<b>Workforce Indicators</b>		
Female Representatives in MNR Workforce	13%	12%
Minority Representatives in MNR Workforce	39%	39%
<b>Financial Indicators</b>		
Farebox Operating Ratio	19.4%	20.4 %
Operating Cost per Passenger	\$46.08	\$41.95
<b>Capital Program Indicators</b>		
Commitments in \$ Millions (% of annual goal)	\$180.5 (36%)	\$768.2 (99%)
Completions in \$ Millions (% of annual goal)	\$52 (17%)	525.3 (55%)

Notes: Metro-North’s preliminary 2021 farebox operating ratio was 20.4 percent, representing a 1.0 percentage increase over the previous year. Farebox revenues in 2021 increased 7.9 percent over 2020 but were down 65.3 percent compared to 2019. The lower revenue was due to continuing low ridership during the pandemic. The 2021 operating cost per passenger was \$41.95, an improvement of \$4.13 over the previous year. This reflects the year-over-year increase in ridership. However, 2021 ridership remains around 65 percent below 2019 pre-pandemic levels. Metro-North ridership is calculated based on the number of tickets sold, multiplied by a factor related to each type of ticket. Monthly/weekly factor is based on the number of weekdays and weekend days per month.

**MTA GOAL: Ensure Customer Safety**

**PERFORMANCE INDICATORS: Customer Injury Rate**

The “FRA-reportable customer injury rate” at Metro-North increased from 1.39 per one million customers in 2020 to 1.79 in 2021. To support customer safety, Metro-North continued both in-person and virtual outreach through its TRACKS (Together Railroads and Communities Keeping Safe) public education program on grade-crossing and rail safety, with more than 27,000 contacts made in 2021.

Metro-North also trained 1,571 first responders in 2021 for rail emergencies through classes and simulations. Other safety efforts included employee training in mental health issues and suicide prevention, ongoing partnerships with the National Suicide Prevention Lifeline and Crisis Text Line to support suicide prevention, and a partnership with Waze to alert drivers of Metro-North grade crossings through the Waze GPS navigation app.

Throughout the Covid-19 pandemic, Metro-North has carried out extensive customer protection efforts, such as safety messaging, mask distribution, disinfection of trains and stations, and social distancing protocols.

**MTA GOAL: Provide On-Time and Reliable Services**

**PERFORMANCE INDICATORS: On-Time Performance, Mean Distance Between Failures**

Metro-North’s systemwide “on-time performance” (OTP) for 2021 was above goal at 97.1 percent. This marks only the second time since the railroad’s founding in 1983 that OTP has topped 97 percent for two consecutive years. The railroad modified its operating schedule in June and August 2021 to respond to growing ridership. The August schedule change brought service levels up to 82 percent of prepandemic levels. The Hudson Line performed at 97.4 percent OTP, the Harlem Line at 97.2 percent, and the New Haven Line at 96.9 percent. West-of-Hudson OTP for 2021 was just below goal at 93.4 percent.

The railroad’s “mean distance between failures” (MDBF) for 2021 was above goal at 190,518 miles. The decrease in MDBF from the previous year was primarily caused by a Positive Train Control (PTC) system software issue, which resulted in delays on the M-8 fleet in the first half of 2021. Once corrected, MDBF improved in the second half of the year. Discounting delays caused by that software issue, MDBF for the M-8 fleet would have been 729,316, which would have increased the overall fleet MDBF for 2021 to 272,169 instead of 190,518. Car availability was excellent, resulting in a 100-percent “consist compliance rate,” which is the percentage of cars required for daily service and customer seating.

**MTA GOAL: Provide Services to People with Disabilities**

**PERFORMANCE INDICATORS: Elevator Availability, Escalator Availability**

Elevator and escalator availability were both excellent in 2021. Elevator availability was 99.8 percent, up slightly from 2020. Escalator availability remained the same in 2021 at 99.9 percent.

**MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure**

**PERFORMANCE INDICATORS: Capital Program Commitments and Completions**

All MTA Capital Program projects for Metro-North are managed by the Metro-North Business Unit of MTA Construction & Development (MTA C&D). Despite ongoing interruptions to the business sector caused by the Covid-19 pandemic, the Business Unit continued its ongoing capital projects in 2021 and was able to proceed with significant project commitments during the year. Major commitments in 2021 included: the Grand Central Terminal Train Shed Sector 1 roof replacement; preliminary engineering and project management for the replacement of a segment of the Park Avenue Viaduct; the rehabilitation of the North White Plains Station; the purchase of new locomotives; the repaving of commuter parking lots at Beacon, Cold Spring, New Hamburg, and Croton Falls; the roof replacement at Tuckahoe and Hastings stations; and design of the replacement retaining wall at Marble Hill.

## **Metro-North, cont.**

Significant completions in 2021 included the replacement of three vehicular bridges over the New Haven Line tracks in Mount Vernon; the rehabilitation of the White Plains Station; rock slope stabilization on both the Hudson and Port Jervis lines; completion of three substations at Riverdale, Tarrytown, and Brewster; and the replacement of the Grand Central Terminal PA/VIS system, as well as the installation of the terminal’s new information boards or “big boards.”

### **MTA GOAL: Perform Services in an Efficient Manner**

#### **PERFORMANCE INDICATORS: Farebox Operating Ratio, Operating Cost per Passenger**

Metro-North’s preliminary 2021 “farebox operating ratio” was 20.4 percent, representing a 1.0 percentage point increase over the previous year. Farebox revenues in 2021 increased 7.9 percent over 2020 but were down 65.3 percent compared to 2019. The lower revenue was due low ridership during the pandemic. The 2021 “operating cost per passenger” was \$41.95, an improvement of \$4.13 over the previous year. This reflects the year-over-year increase in ridership. However, 2021 ridership remains around 65 percent lower than 2019 prepandemic levels.

### **MTA GOAL: Maximize System Usage**

#### **PERFORMANCE INDICATORS: Ridership**

Metro-North’s systemwide ridership increased from 27.2 million in 2020 to 30.7 million in 2021. While trending upward 2021, ridership decreased dramatically due to the pandemic and remains around 65 percent lower than the 2019 prepandemic ridership of 86.6 million. Ridership on the railroad’s connecting services—Haverstraw-Ossining Ferry, the Newburgh-Beacon Ferry, and the Hudson Rail Link— fell even further in 2021 to a combined low of 106,375.

**MTA GOAL: Ensure Our Employees' Safety**

**PERFORMANCE INDICATORS: Employee Lost Time and Restricted-Duty Rate**

The “FRA-reportable employee lost-time case rate” decreased from 2.17 per 200,000 worker hours in 2020 to 1.97 in 2021. Throughout the Covid-19 pandemic, Metro-North has prioritized employee safety through protocols such as distribution of masks and other PPE, disinfection of railcars and facilities, testing and vaccination programs, temperature checks, safety messaging, and training. In October 2021, the MTA introduced measures requiring all employees to show proof of vaccination or undergo weekly testing for Covid-19. In addition, Metro-North continues to participate in the Confidential Close Call Reporting System (C3RS), which has logged more than 6,300 calls since 2015, and monitor locomotive engineers and conductors for obstructive sleep apnea. Other ongoing safety programs include regular safety meetings in each district, a safety focus week held each quarter, safety cleanup days, and an employee awards program for safety excellence.

**MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders**

**PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce**

The percentage of minority employees in Metro-North’s workforce remained constant in 2021 at 39.0 percent. The percentage of female representation decreased slightly to 12.0 percent. The railroad maintains a program aimed at achieving workforce representation based on the availability of women and minorities within the relevant labor markets serviced by the MTA. Through targeted outreach recruitment and developmental programs, Metro-North will continue to focus on improving minority and female representation in our workforce.

## MTA Bridges and Tunnels (“Bridges and Tunnels”)

Performance Indicators	2020 Actual	2021 Actual
<b>Service Indicators</b>		
Paid Traffic	253,184,047	307,296,238
<b>Safety Indicators</b>		
Collisions with Injury Rate (per million vehicles)	0.70	0.67
Employee Lost Time Injury Rate (per 200,000 work hours)	5.7	5.6
<b>Workforce Indicators</b>		
Female Representation in B&T Workforce	21%	21%
Minority Representation in B&T Workforce	57%	57%
<b>Financial Indicators</b>		
E-ZPass Market Share	95.2%	* 94.9%
Total Support to Transit (\$ millions)	\$830.2	\$1,377.0
<b>Capital Program Indicators</b>		
Commitments in \$ Millions (% of annual goal)	\$183.2 (70.8%)	\$260.3 (150.5%)
Completions in \$ Millions (% of annual goal)	\$660.3 (162.6%)	\$386.2 (100.5%)

Notes: Some performance indicators for 2021 were impacted by the Covid-19 pandemic. MTA B&T performance data are subject to final audit. Traffic numbers are preliminary, with actuals available later. \* Year-end unaudited. Capital Commitments in 2021 include a \$76.9 million project originally forecast for 2022 award. Capital completions in 2021 include a \$1.9 million SBMP project not planned for 2021 completion.

**MTA GOAL: Ensure Customer Safety**

**PERFORMANCE INDICATOR: Customer Collision Injury Rate**

Bridges and Tunnels reported 206 customer collisions with injuries in 2021. Despite increased traffic in 2021, the rate of collisions with injuries fell slightly from 0.70 per million vehicles in 2020 to 0.67 per million. The agency's fundamental strategy for improving customer safety is to maintain facilities in a state of good repair. Beyond this, the agency's customer safety strategy focuses on "The Three E's:" Engineering, Enforcement, and Education. Engineering identifies collision-prone locations and improves their physical characteristics. Enforcement targets and addresses unsafe driving behaviors. Education aims to correct unsafe driving behaviors through outreach and educational efforts. In addition, Bridges and Tunnels notifies customers of real-time traffic conditions, which helps them make informed decisions and reduces the risk of secondary collisions.

**MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure**

**PERFORMANCE INDICATORS: Capital Program Commitments and Completions**

All MTA Capital Program projects are now managed by MTA Construction & Development (MTA C&D). In 2021, the MTA C&D Business Unit for Bridges and Tunnels made 91 task commitments to capital projects, well above the year's goal of 66 task commitments. The total value of the awards was \$260.2 million, representing 150.5 percent of the 2021 goal. Of these, six commitments totaling \$85.8 million are related to design-build projects on the Robert F. Kennedy and Henry Hudson bridges, which were originally planned for early 2022. Another 10 small commitments totaling \$3.8 million are related to remaining "mitigation" projects within the Superstorm Sandy Capital Program. Other major project commitments in 2021 included:

- Miscellaneous structural rehabilitation and painting at the Bronx Whitestone Bridge
- Dyckman Street substations upgrade at the Henry Hudson Bridge
- New multi-use path connection between the Harlem River Lift Span and the future Manhattan Waterfront Greenway
- Fender upgrades for the Harlem River Lift Span at the Robert F. Kennedy Bridge
- Installation of a safety fence on suspended spans at the Verrazzano-Narrows Bridge.

The value of Capital Program projects completed in 2021 totaled \$386.2 million, which represents 100.5 percent of the 2021 goal. By comparison, a total of \$660.3 million in projects were completed in 2020, representing 162.6 percent of the goal for that year, including several projects that were accelerated to completion in early 2020 due to reduced traffic levels. Major projects completed in 2021 included:

- Reconstruction of the Brooklyn approach at the Verrazzano-Narrows Bridge, completed six months ahead of schedule
- Replacement of the fender protection systems at the Marine Parkway and Cross Bay bridges, along with scour protection at the Cross Bay Bridge, completed two months behind the original schedule
- Rehabilitation of ventilation systems at the Hugh L. Carey Tunnel
- Rehabilitation and sealing of the anchorage and piers at the Verrazzano-Narrows Bridge, completed one month ahead of schedule
- Painting of the suspended spans at the Verrazzano-Narrows Bridge, completed one month ahead of schedule.

**MTA GOAL: Perform Services in an Efficient Manner**

**PERFORMANCE INDICATORS: Total Support to Transit**

Bridges and Tunnels provided \$1,377.0 million in total support for MTA transit services in 2021. This was a 66.0-percent increase from the \$830.2 million provided in 2020. The increased revenue is attributable to continued recovery from the Covid-19 pandemic, an increase in traffic at Bridges and Tunnels crossings, a toll increase effectuated in April 2021, and the implementation of cost-cutting measures. By way of comparison, the agency provided \$1,139.0 million in total support to mass transit in 2019 prior to the pandemic.

**MTA GOAL: Maximize System Usage**

**PERFORMANCE INDICATORS: Traffic Volume**

Bridges and Tunnels recorded approximately 307.3 million paid crossings in 2021, approximately 54 million more crossings than the previous year, an increase of 21.4 percent. E-ZPass usage for 2021 was down slightly to 94.9 percent, as compared to 95.29 percent in 2020.

**MTA GOAL: Ensure Our Employees' Safety**

**PERFORMANCE INDICATORS: Employee Lost Time and Restricted-Duty Rate**

Bridges and Tunnels experienced 56 lost-time injuries in 2021, compared to 63 in 2020. As a result, the "employee lost-time injury rate" decreased slightly from to 5.7 per 200,000 work hours in 2020 to 5.6 per 200,000 in 2021. Ongoing safety efforts contributed to this positive trend, including:

- Workplace measures to safeguard employees during the Covid-19 pandemic, including the provision of PPE; expanded ventilation; daily sanitization of facilities and vehicles; regular safety communications; and social distancing protocols.
- Interdepartmental healthcare efforts through the agency's Safety & Health Department, including employee advisories and training; onsite Covid-19 testing; monitoring of exposures and quarantines; and vaccination efforts.
- Joint labor-management task forces to address risks in the new cashless operating environment, along with revision of policies and procedures as part of an updated safety management system all agency facilities.
- Regular safety training for all field employees, including traffic management safety training for all Bridge and Tunnel Officers and supervisors. The agency also modified some traffic enforcement procedures to minimize social contact.

**MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders**

**PERFORMANCE INDICATORS: Female and Minority and Other Representation in the Workforce**

Minority employees represented 57.0 percent of the Bridges and Tunnels workforce in 2021, unchanged from the previous year. Women represented 21.0 percent of agency employees in 2021, also unchanged from the previous year. Bridges and Tunnels maintains a program aimed at achieving workforce representation based on the availability of women and minorities within the labor markets serviced by the MTA. The program includes targeted recruitment efforts to attract qualified women and minority candidates; a monitoring program to identify and address under-representation of women and minorities; and retention and mobility programs providing the skills and opportunities women and minority employees need for successful career paths within the agency.

## MTA Bus Company (“MTA Bus”)

<b>Performance Indicators</b>	<b>2020 Actual</b>	<b>2021 Actual</b>
<b>Service Indicators</b>		
Percent of Completed Trips	97.4%	95.6%
Bus Passenger Wheelchair Lift Usage	64,134	66,881
Total Ridership	45,916,750	71,426,526
Mean Distance Between Failures – NYCT & MTA Bus (miles)	8,269	7,480
<b>Safety Indicators</b>		
Customer Accident Injury Rate (per million customers)	1.43	1.30
Collisions with Injury Rate (per million vehicle miles)	3.45	4.54
Employee Lost Time Rate (per 100 employees)	7.63	7.82
<b>Workforce Indicators</b>		
Female Representation in MTA Bus Workforce	13%	13%
Minority Representation in MTA Bus Workforce	80%	81%
<b>Financial Indicators</b>		
Farebox Operating Ratio	13.1%	17.9%
Operating Cost per Passenger	\$16.3	\$10.94
<b>Capital Program Indicators*</b>		
Commitments in \$ Millions (% of annual goal)	\$25.4 (62.0%)	\$113.3 (197.9%)
Completions in \$ Millions (% of annual goal)	\$2.6 (59.2%)	\$1.8 (2.7%)

Notes: The 2020 Farebox Operating Ratios are based on preliminary estimates and will be updated in April 2021. For the purposes of this report, NYCT Bus and MTA Bus are treated separately, though certain operations and performance indicators are combined, as noted in the NYCT data on page 4 of this report. The Performance Dashboard at [www.mta.info](http://www.mta.info) combines data for both bus operations. MTA Bus 2020 April and May percent of completed trips are not included due to the effect of Covid-19.

**MTA GOAL: Ensure Customer Safety**

**PERFORMANCE INDICATOR: Customer Injury Rate**

MTA Bus saw a decrease of 9.1 percent in its “customer accident injury rate” for 2021, as compared to 2020. This was despite a 9.9 percent increase in ridership, caused by the easing of restrictions and gradual reopening of NYC due to the Covid-19 pandemic. The actual number of customer injuries stayed the same at 93 in 2020 and 2021. Between March and August, MTA Bus implemented free rear-door boarding to ensure safer social distancing between customers and bus operators. Since ridership data is linked to fareboxes, data during this period was based on estimates. The agency uses accident trends to improve safety programs, training, and messaging.

The “collisions with injury rate” increased from 3.45 per million vehicle miles in 2020 to 4.54 per million vehicle miles in 2021, up 31.6 percent from the previous year. This rise was largely due to the increase in citywide traffic volume caused by recovery from Covid-19 and the gradual reopening of New York City. MTA Bus continued to incorporate relevant accident findings into its safety and training initiatives. These initiatives focus on basic operating procedures in bus stop areas, including scanning mirrors, observing all sides of the bus, pulling in and out of bus stops properly, and positioning the bus correctly in the bus stop.

In 2021, MTA Bus continued its Vision Zero IV class in collaboration with NYCT DOB. Vision Zero IV is an eight-hour training session which emphasizes the challenges in dealing with pedestrians and cyclists. In 2020, the class was combined with de-escalation training, which now addresses assaults on bus operators related to Covid-19 rules. All bus operators will be cycled through this new curriculum over a two-year period. A de-escalation “trailer” video is being circulated on the FYI Network at all MTA and NYCT locations. To monitor bus operators, the agency uses indicators such as speed-camera violations, red-light violations, cellphone infractions, and customer complaints. In a joint agreement with all labor unions, NYCT DOB continues its “zero-tolerance” policy on use of cellphones and electronic devices while operating a bus. The agency also worked with its labor representatives to see that operators who receive speed-camera violations are disciplined and must pay the fine.

**MTA GOAL: Provide On-Time and Reliable Services**

**PERFORMANCE INDICATORS: Mean Distance Between Failures, Bus Trips Completed**

As indicated on the performance chart above, NYCT DOB and MTA Bus report combined data in some instances. For complete MTA Bus performance data, see page 4 of this report. The combined agencies posted an MDBF of 7,480 miles in 2021, a decrease of 9.5 percent from the previous year. The percentage of MTA Bus “trips completed” decreased to 95.6 percent in 2021.

In 2019, the MTA launched its comprehensive Bus Plan, which entails a complete reimagining of New York’s entire public bus system. As part of that plan, the MTA launched a new Bus Performance Dashboard at [www.mta.info](http://www.mta.info), which combines data for the two bus agencies. The dashboard also provides new metrics to better reflect the customer experience. For combined NYCT and MTA Bus metrics, see pages 4 and 5 of this report.

**MTA GOAL: Provide Services to People with Disabilities**

**PERFORMANCE INDICATORS: Bus Customer Wheelchair Lift Usage**

The “bus passenger wheelchair lift usage” for MTA Bus in 2021 was 66,881 customers, an increase of 4.3 percent from 64,134 customers the previous year. The increase in wheelchair lift usage was mainly caused by recovery from the Covid-19 pandemic and the gradual reopening of New York City.

**MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure**

**PERFORMANCE INDICATORS: Capital Program Commitments and Completions**

MTA Bus committed \$113.3 million in capital project funds in 2021, representing 197.9 percent of goal. This was due largely to the award of 85 standard diesel buses that were not anticipated when the 2021 goals were set. Besides this project, other notable 2021 commitments included the Clean Natural Gas (CNG) upgrade and rehabilitation projects at the Spring Creek Depot, and the purchase of 50 standard diesel buses. Notable completions for the year included the Automated Passenger Count phase 1 roll-out.

**MTA GOAL: Perform Services in an Efficient Manner**

**PERFORMANCE INDICATORS: Farebox Operating Ratio, Operating Cost per Customer**

The “farebox operating ratio” (which includes farebox revenue, student fares, and senior citizen fares) was 17.9 percent in 2021, up from 13.1 percent in 2020. This increase was due to the availability of Covid-19 vaccines and regional recovery from the pandemic. The same factors contributed to a 32.9 percent decrease in the “operating cost per customer,” from \$16.30 in 2020 to \$10.94 in 2021.

**MTA GOAL: Maximize System Usage**

**PERFORMANCE INDICATORS: Ridership**

Due to the Covid-19 vaccine rollout and the easing of related restrictions, total MTA Bus ridership increased 55.6 percent in 2021 to 71.4 million riders, as compared to 45.9 million riders in 2020. Throughout the pandemic, both MTA Bus and NYCT DOB have continued to provide the transit services critical to essential workers and the welfare of the entire region.

**MTA GOAL: Ensure Our Employees’ Safety**

**PERFORMANCE INDICATORS: Employee Lost Time and Restricted-Duty Rate**

MTA Bus saw 2.5 percent increase in the “employee lost-time accident rate” in 2021 due to the significant increase in injuries associated with motor vehicle accidents. Both NYCT and MTA Bus continued to undertake extensive efforts to safeguard employees during the pandemic, including safety protocols and messaging, distribution of PPE, disinfection of buses and facilities, testing and vaccination programs, and more.

The agency continues a robust program of safety messaging and training in safe driving techniques. Both bus operations continued Vision Zero programs and the incorporation of accident findings into safety and training initiatives. Efforts to protect bus operators from assault continued in 2021, including installation of bus operator shields, onboard security cameras, training in de-escalation tactics, and review of customer complaints to identify employees for further counseling or training. Both bus agencies regularly analyze employee injury data to identify trends and reduce lost-time accidents.

**MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders**

**PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce**

Female representation agencywide continues to be below the estimated percentage of women available to work within MTA Bus's recruiting area. The percentage of women in the agency's workforce remained unchanged at 13.0 percent during this reporting period. MTA Bus will continue to increase its outreach and recruitment efforts to improve female representation within its workforce. The percentage of minority representation increased slightly in 2020 from 80.0 percent to 81.0 percent, exceeding the estimated percentage of minorities available to work within MTA Bus's recruiting area.

## **MTA Construction & Development (“MTA C&D”) - Expansion Projects**

<b>Performance Indicators</b>	<b>2020 Actual</b>	<b>2021 Actual</b>
<b>Workforce Indicators</b>		
Female Representatives in MTA C&D Workforce	36%	37%
Minority Representatives in MTA C&D Workforce	54%	50%
<b>Capital Program Indicators*</b>		
Commitments in \$ Millions (% of planned value)	\$709.0m (28%)	\$2,508.5m (292%)
Completions in \$ Millions (% of planned value)	\$76.0m (11%)	\$804.9m (44.8%)

Notes: MTA performance data are subject to periodic adjustment. Capital Program Commitments/Completions include projects that “slipped” from prior year goals but were achieved in 2021. For details on Capital Program projects visit the [Capital Programs](#) section under “Transparency” at [www.mta.info](http://www.mta.info).

### **MTA GOAL: Repair, Replace, and Expand Transportation Infrastructure**

#### **PERFORMANCE INDICATORS: Capital Program Commitments and Completions**

MTA Construction & Development (MTA C&D) manages all Capital Program projects for the MTA agencies, as reported in each agency’s section of this report. In addition, MTA C&D manages the major Expansion Projects reported in this section. The Expansion Projects had a total commitment goal of \$858.2 million for 2021 and committed approximately \$2,508.5 million, or 292.3 percent of goal. Significant 2021 commitments included:

- Award of \$1,905.5 million for design-build construction of the Penn Station Access project to connect Penn Station to Metro-North's New Haven rail line. This extension will transform our regional transportation system by improving reliability, reducing travel time, and expanding mass transit options for everyone. Four new accessible stations will be constructed in the East Bronx at Hunts Point, Morris Park, Co-op City, and Parkchester/Van Nest.

- Award of \$183.4 million for eastbound reroute construction to support the Regional Investments project at the Harold Interlocking in Queens.

MTA C&D achieved 44.8 percent of its 2021 Expansion Project completion goal of \$1,796 million, with the completion of major construction of the Grand Central Terminal Caverns contract as part of the East Side Access project and the B/C Approach contract as part of the Regional Investments project at Harold Interlocking in Queens. For details on all of the MTA's five-year Capital Programs and the status of current capital projects visit the [Capital Programs](#) section under "Transparency" at [www.mta.info](http://www.mta.info).

**MTA GOAL: Maintain a Workforce that Reflects Regional Availability of All Races, Nationalities, and Genders**

**PERFORMANCE INDICATORS: Female and Minority Representation in the Workforce**

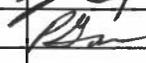
The agency's current workforce consists of 37.0 percent female, up 1.0 percent from the previous year, and 50.0 percent minority employees, down 4.0 percent. Note that not all of the employees included in the MTA C&D transformation program in 2021 are currently covered in this data. MTA C&D continues its outreach, recruitment, and retention efforts to support workforce diversity and inclusion.

# Staff Summary

<b>Subject</b> <b>Public Authorities Law Required Policies</b>
<b>Department</b> <b>Corporate Compliance</b>
<b>Department Head Name</b> <b>Lamond W. Kearse</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>Lamond W. Kearse</b>

<b>Date</b> <b>March 30, 2022</b>
<b>Vendor Name</b> <b>N/A</b>
<b>Contract Number</b> <b>N/A</b>
<b>Contract Manager Name</b> <b>N/A</b>
<b>Table of Contents Ref #</b> <b>N/A</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	03/28/22	X		
2	Board	03/30/22	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Corporate Compliance		
2	Legal		

**Purpose:**

To obtain Board approval for revisions to certain existing policies of the MTA and its Agencies, in order to comply with Public Authorities Law Section 2824 (“PAL 2824”).

**Discussion:**

PAL 2824 requires formal Board adoption of certain policies. Corporate Compliance has provided an exhibit book that includes the relevant policies for your review. The policies in the exhibit book are new or revisions to existing policies which have been approved by their respective Agencies.

**Recommendation:**

It is recommended that the Board approve the policies contained in the exhibit book.