

All Agency Policy Directive

LOBBYING-CONTACT REPORTING

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I. PURPOSE

To establish policies and procedures for the MTA to implement the requirements relating to lobbying contacts concerning (a) the adoption or rejection of rules or regulations or (b) the outcome of rate making proceedings, as provided in Public Authorities Law § 2987.

II. SCOPE

This policy applies to officers and employees of the MTA, which include officers and employees of MTA Headquarters (including MTA Business Service Center), MTA Long Island Rail Road, MTA Capital Construction Company, MTA Bridges and Tunnels, MTA Bus Company, MTA Long Island Bus, MTA Metro-North Railroad, MTA New York City Transit, including the Manhattan and Bronx Surface Transportation Operating Authority and the Staten Island Rapid Transit Operating Authority, and all future subsidiaries or affiliated entities of the MTA.

This policy does not limit or otherwise amend MTA's All-Agency Procurement Lobbying Law Compliance policy, No. 16-001, effective January 2, 2008.

III. OBJECTIVES

To ensure that the MTA agencies comply with Public Authorities Law § 2987.

IV. POLICY

In compliance with the requirements of Public Authorities Law § 2897, MTA will record, if applicable, and maintain specific information about lobbying contacts made by persons or organizations attempting to influence decisions concerning the adoption or rejection of rules or regulations by the MTA or the outcome of any rate making proceeding conducted by the MTA.

VI. DEFINITIONS

For purposes of this policy, the terms below shall have the meaning stated below:

MTA means any of the following: MTA Headquarters, MTA New York City Transit, Manhattan and Bronx Surface Transit Operating Authority, MTA Long Island Rail Road, MTA Metro-North Railroad, MTA Long Island Bus, MTA Bus Company, MTA Capital Construction Company, the Staten Island Rapid Transit Operating Authority, the First Mutual Transportation Assurance Company, MTA Bridges and Tunnels, and all

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future subsidiaries or affiliated entities of the MTA.

Lobbyist shall mean a person or organization retained, employed, or designated by any client to engage in lobbying. The term “lobbyist” shall not include an officer, director, trustee, employee, counsel, or agent of the State of New York, or any municipality or subdivision of the State of New York, when discharging their official duties.

Client shall mean a person or organization who retains, employs, or designates a person or organization to carry on lobbying activities on their behalf.

Lobbying shall mean any attempt to influence:

- the adoption or rejection of any rule or regulation having the force and effect of law by the MTA; or
- the outcome of any rate making proceeding conducted by the MTA.

Note that “lobbying” does not include persons who participate as witnesses, attorneys, or other representatives in public proceedings of the MTA if their participation is part of the public record of that proceeding.

Lobbying Contact shall mean any conversation, in person or by telephonic or other remote means, or correspondence between any lobbyist engaged in the act of lobbying and any officer or employee within the MTA who can make or influence a decision on the subject of the lobbying on behalf of the MTA. For purposes of this policy, every MTA officer is deemed capable of influencing a decision on behalf of the MTA regardless of the subject of the lobbying.

VII. PROCEDURE

A. Record lobbying contacts

1. Every MTA officer or employee who receives a Lobbying Contact must make a contemporaneous record using the electronic Record of Lobbying Contact Form (the Contact Form), which is available in the Forms section of MTA’s Intranet, <http://www.mtahq.org>.

2. Identifying information. The lobbying-contact record must include the day and time of each lobbying contact; the identity of the lobbyist; and a general summary of the substance of the lobbying contact. If possible, each person should also learn, and record on the Contact Form, the identity of the lobbyist’s client. If the lobbying contact was made in writing, such as correspondence or an e-mail, a copy of the writing should be attached to the Contact Form.

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3. Completed Contact Forms must be promptly submitted electronically (or, if necessary, in hard copy) to the Records Manager at MTA Headquarters.

4. If you have questions about compliance with Public Authorities Law § 2987's requirements for lobbying-contact recording, including whether a specific MTA matter that is the subject of a contact constitutes a rule making or a rate making proceeding for purposes of § 2987 and this policy, you should contact your agency General Counsel.

B. Maintain lobbying-contact records

1. The Records Manager at MTA Headquarters shall maintain each lobbying-contact record for not less than seven years. Such records shall be organized in a filing system designed to make them useful to determine whether MTA decisions concerning rule making or rate making proceedings were influenced by lobbying contacts.

VIII. FORMS

Attachment A: Record of Lobbying Contact Form

**RECORD OF LOBBYING CONTACT
UNDER PUBLIC AUTHORITIES LAW § 2987**

If you are contacted by a lobbyist who is trying to influence the adoption or rejection of any rule or regulation by the MTA or an MTA Agency or the outcome of a rate making proceeding conducted by the MTA or an MTA Agency, you must promptly complete this form, and submit it to MTA Records Management.

Your Name _____ Title _____ Date _____
Agency _____ Department _____

The contact was made by means of (check one):

In person telephone e-mail correspondence other (explain) _____

Lobbyist's Name _____ Date and time of contact _____ Client's Name (if known) _____

(Note: If contact was made in writing, attach a copy)*

The contact was concerning (check one):

The adoption or rejection of a rule or regulation by the MTA or an MTA Agency

Description of the rule or regulation _____

The outcome of a rate making proceeding conducted by the MTA or an MTA Agency

Description of the rate making proceeding _____

General summary of the lobbying contact _____

* Click the Submit button to send this form electronically, or mail paper copies and attachments to: MTA Records Management Dept., 347 Madison Ave., New York, NY 10017