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## *Montachusett Regional Transit Authority*

### *Public Records Access Guidelines*

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The Massachusetts Legislature under the Acts of 2016 (Chapter 121) passed *An Act to Improve Public Records* into law. Therefore, effective January 1, 2017, the Massachusetts Public Records Law, G.L. c.66 and c.4, §7(26) now requires a response within 10 business days, (Monday through Friday, excluding legal holidays), to a request for records. These guidelines are intended to assist members of the public seeking access to public records in the custody of the Montachusett Regional Transit Authority (MART)

#### **General Information:**

##### *Business Hours:*

The regular business hours of the MART are Monday-Friday 8:30 am to 4:30 pm..

##### *Records Access Officers:*

The following Records Access Officers (“RAO”) have been designated:

#### **Primary RAO**

Bonnie J Mahoney  
Communications Director  
1427R Water St, Fitchburg, MA 01420  
Phone: 978-345-7711 x2290  
bonnie.mahoney@mrta.us

#### **Secondary RAO**

Keary A Connors  
Office Manager  
1427R Water St, Fitchburg, MA 01420  
Phone: 978-345-7711 x2274  
keary.connors@mrta.us

The Records Access Officer(s) is available to answer questions concerning and help facilitate the making of public records requests. Contact information for the RAO is also posted at [www.mrta.us/public-information-records](http://www.mrta.us/public-information-records).

##### *Public Records Law Information:*

General information about the public records law and public records requests is found in the Secretary of the Commonwealth’s website at <http://www.sec.state.ma.us/pre/preinformation.htm>.

#### **Categories of Records:**

Please see Appendix A for a list of document categories. Those available online are hyper linked for easy access.

## **Making Public Records Requests:**

### *Who can make a request?*

Anyone may make a public records request in the following manner:

- In person at our Admin Headquarters located at 1427R Water St, Fitchburg, MA
- Written request hand delivered to Admin Headquarters
- By first class mail addressed to the RAO at their address
- By facsimile addressed to the RAO at 978-345-9867
- By email sent to [RAO@mrta.us](mailto:RAO@mrta.us)

### *Is there a specific procedure for making a request?*

1. Requests Encouraged to be in Writing: Although not required, it is strongly recommended that public records requests be in writing. All written public records requests, including via email and facsimile, shall be addressed/directed to the RAO and contain the requester's name and contact information, so that the RAO is able to provide a proper response. An oral request, whether made over the phone or in-person, cannot be appealed to the Supervisor of Records.
2. Contact Information: Individuals making in-person requests will not be requested or required to give their names or contact information. For in-person requests that require additional time for a comprehensive response, requesters will be advised to check in periodically with the RAO, or requesters may voluntarily provide contact information. A "Public Records Request Form" can be obtained at the office of the RAO when making an in-person request, so that a written request is created. You may also print/download a copy of the form (PDF) at [www.mrta.us/public-information-records](http://www.mrta.us/public-information-records).
3. Specificity of Requests: In order to provide a proper response, requests should be as specific as possible in regards to subject matter. The more specific the request, the better MART will be able to respond without delays for clarification.
4. Receipt of Requests: Written requests received during normal business hours, as defined above, will be considered received on that date. Written requests sent via email or facsimile after normal business hours shall not be considered received until the following business day. Business days shall not include Saturdays, Sundays, and legal holidays. Requests sent via regular mail will be stamped on the date of receipt. Any requests not properly addressed to the RAO may cause a delay in receipt of the request to the RAO.
5. Purpose of Request: The RAO will not ask a requester to identify the purpose of the request, but may ask for more information to assist the requester to make an appropriate request and/or to enable the RAO to respond more efficiently.

## **Responses to Public Records Requests:**

A detailed database of all requests will be maintained. MART is obligated to respond to a public records requests within 10 business days (M-F) after receipt of the request, and provide a copy of or access to the records within 25 business days. All requests will be fulfilled electronically (PDF format) to an email address provided by the requestor, where possible.

The following guidelines provide more details regarding a proper response by the RAO to a public records request:

*Publicly Available Records:*

MART maintains a searchable website at [www.mrta.us](http://www.mrta.us) where certain public records are available for inspection, downloading or printing. If a request seeks documents publicly available on MART's website, the requester will be directed to the website in satisfaction of the request, unless the requester does not have the ability to receive or access the records in this manner.

*Clarification of Request:*

Depending upon the scope of the request, the requester may be asked to clarify the request, provide more specific detail, and/or agree to a voluntary extension of time for MART to respond fully to the request.

*Electronic Records Delivery Preference:*

To the extent feasible, the RAO will provide public records in response to a request by electronic means (email or website) unless the record is not available electronically or the requester does not have the ability to receive or access the records electronically. To the extent available and feasible, the RAO will provide an electronic record in the requester's preferred format. No copying/scanning fee will be charged for records provided in electronic form.

*Fees:*

If the nature of the request is such that a fee may be charged in order to provide the records, an estimate will be provided to the requestor before any work is performed to fulfill the request. MART has the legal right to charge a fee under the following circumstances:

- If the data is too large to be emailed, a data storage device may be used. The cost of such a device may be charged to the requestor.
- If the requestor cannot or will not accept an electronic format, then paper copies may be provided at the cost of 5 cents per page. MART will double-side copies to save pages.
- If the requestor requires duplication of records not susceptible to ordinary means of reproduction, such as large format plans.
- If the requestor demands that paper copies be mailed to them, MART may charge the cost of the postage, using the least expensive form of mailing possible. Unless the requester requests, and agrees to pay for, an expedited form of mailing and such fees are paid in advance.
- Certain records may be subject to redaction or segregation if they contain information that may not be disclosed by law, is exempt under the public records law, or is subject to other legally applicable privileges. If compliance with requests takes more than 2 hours to produce, due to the volume or nature of the request (ex: redaction is required), and hourly rate for each hour over 2 hours will be charged. The hourly rate for such fees shall be the hourly rate of the lowest paid employee capable of performing the task, provided, however, that this hourly rate shall not exceed twenty-five dollars (\$25.00) per hour.

*Response if Longer than 10 Days OR Denial in Whole or in Part:*

If a full response, including provision of records, cannot be made within 10 business days of receipt of the request, the RAO will respond to the requester in writing: explaining the anticipated time frame for a complete response; identifying any records that MART does not have in its custody; identifying records which MART does not expect will be provided, or that will be redacted and/or segregated, specifying the relevant exemption and its application to the requested record or portion thereof; providing a good faith fee estimate; and including a statement of appeal rights.

*RAO Petition to the Supervisor of Records:*

Typically, a complete response will be provided in less than the required 25 business days of receipt of the requests. If due to the scope of the request, the need for redactions, or other complications, MART is concerned that it will not be able to provide a complete response within that time frame, MART may petition the Supervisor of Public Records detailing the need for additional time. In certain circumstances, MART may petition the Supervisor of Public Records for permission to assess fees for employee time at a rate in excess of \$25/hr. A copy of the Petition will be provided to the requestor.

*Other Items of Note:*

MART is only required to provide records that are in existence at the time of a request and is not required to create a new record to accommodate a specific request. MART is not required to answer questions in response to a public records request. MART is not required to supplement its response to a previous public records request in the event that responsive records are created in the future.

*Unique Right of Access:*

Pursuant to the provisions of 950 CMR 32.06(1)(g), if a requester or requester's representative (such as an attorney), has "a unique right of access by statutory, regulatory, judicial or other applicable means", a request for records will not be considered a G.L. c.66, §10 public records request.

**Exemptions:**

Some public records, or portions of records, may not be provided in response to a public records request because MART has determined such records to be exempt from disclosure pursuant to the provisions of G.L. c.4, §7(26), the attorney-client privilege, or other applicable exemptions or common law privileges. For more information about exemptions to the Public Records Law, see the Secretary of the Commonwealth's, "A Guide to the Massachusetts Public Records Law," January 2017 edition, available at [www.sec.state.ma.us/pre/prepdf/guide.pdf](http://www.sec.state.ma.us/pre/prepdf/guide.pdf).

**Appeals:**

If a requester wishes to assert a claim that they have been denied access to public records, they may appeal the RAO's determination to the Supervisor of Records pursuant to 950 CMR 32.08(1). The Supervisor shall make a final determination on the appeal within ten (10) business days of receipt. If the requester is dissatisfied with the determination of the Supervisor of Records, the requester may appeal to Superior Court. Alternatively, a requester may bypass the Supervisor and go directly to Superior Court.

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## Appendix A

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*Public Transit Related:*

[Bus Schedules](#)  
[ADA Program & Application](#)  
[Subscription Service](#)  
[ADA Policies & Procedures](#)  
[Public Notices](#)  
[Public Meeting Agendas \(including Board\)](#)  
[Public Meeting Minutes \(including Board\)](#)  
Board Approved FY Budgets  
Five Year Capital Plan  
[Comprehensive Service Analysis](#)  
[Open Checkbook Accounts Payable](#)  
[Audited Financial Statements](#)  
Grant Awards  
[Competitive Procurements](#)  
[DBE 3 Year Goals](#)  
[Title VI Program](#)  
Complaint Logs  
Ridership Reports  
COA Agreements  
Drug & Alcohol Testing Program

*Documents posted on website are hyperlinked.*

*HST Brokerage Related:*

HST Broker Agreement  
[Transportation Provider Policies & Procedures](#)  
MassHealth Vendor Rates  
[MassHealth Consumer Welcome Letter](#)

*HST Consumer Records subject to potential Redaction or Denial:*

Complaint Logs  
Trip Records