



Metropolitan Transportation Authority

State of New York

October 24, 2022

BY EMAIL

Hon. Anthony Cannataro
Acting Chief Judge of New York State
New York Court of Appeals
20 Eagle Street
Albany, NY 12207

Hon. Lawrence K. Marks
Chief Administrative Judge of New York
State
Office of Court Administration
25 Beaver Street
New York, NY 10004

Hon. Kathie Davidson
Dean
New York State Judicial Institute
78 Broadway
White Plains, NY 10603

Re: MTA Transit Bans

Dear Judge Cannataro, Judge Marks and Judge Davidson:

In 2020, the New York State Legislature gave judges an important new tool in the fight for public safety: the power to ban certain criminals from using the Metropolitan Transportation Authority system. Yet it appears that no bans have actually been imposed. I am writing to ask your help in building awareness of the ban power among judges and court staff.

The 2020 statute. Under the Penal Law amendment enacted in 2020, judges can ban criminals from any part of the MTA system for up to three years. Bans can be imposed on criminals convicted of sex offenses against any MTA customer, passenger or employee. Bans can also be imposed on criminals convicted of assaulting MTA employees. Courts can include a ban as part of a sentence of probation or conditional discharge. Exceptions may be crafted for trips of necessity, such as medical appointments. See Penal Law Section 65.10(2)(k-2).

Why we are reaching out. We are aware of no cases in which courts have actually used the ban authority created by the legislature. That is so despite a steady stream of disturbing, high-profile crimes in the transit system.

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road

MTA Metro-North Railroad
MTA Bridges and Tunnels

MTA Construction & Development
MTA Bus Company

The help that we ask. We defer to Your Honors as to how best to build awareness among judges and court staff. We respectfully offer two suggestions:

- We would ask that you forward this letter to all criminal court judges and staff in the 12 counties within the State that the MTA serves: Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester.
- We would ask that the Judicial Institute teach about the ban authority in its next training sessions, both for new judges and for veterans of the bench.

The 2020 law reflects two common-sense judgments by the legislature: that safety in the transit system is a matter of pressing public concern, and that a limited loss of transit access is a fair post-conviction consequence for certain transit crimes. The MTA asks your help in seeing that the judiciary gives force to these legislative judgments in appropriate cases.

Thank you in advance for your assistance on this, and for all that the court system does to promote public safety in the transit system.

Respectfully yours,



Janno Lieber

cc: Paige Graves, Esq., MTA General Counsel