



Grand Central Madison Concourse Operating Company

Staff Summary

Subject
Grand Central Madison Terminal Rules of Conduct
Department
Office of the President
Department Head Name
Rob Troup
Department Head Signature
<i>[Signature]</i>
Project Manager/Division Head
Joseph Christen

Date
March 29, 2023
Vendor Name
N/A
Contract Number
N/A
Contract Manager Name
N/A
Table of Contents Ref #
N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	RR Committee				
2	Board				

Internal Approvals					
Order	To	Date	Approval	Info	Other
1	Corporate Compliance	3.15.23	<i>[Signature]</i>		
2	SVP	3/15/2023	<i>[Signature]</i>		
3	Legal	3/16/23	<i>[Signature]</i>		
4	President	3/15/23	<i>[Signature]</i>		

Purpose:

To obtain Board approval for MTA Grand Central Madison Concourse Operating Company's ("GCMC") permanent adoption of the rules (the "Rules") governing the conduct and safety of the public in its use of the new Grand Central Madison Terminal ("GCM Terminal").

Discussion and Background:

In January 2023, the GCM Terminal opened to the public, extending Long Island Rail Road service directly into the new 8 track terminal and concourse located below the existing Grand Central Terminal ("GCT"). To ensure the safety of the public, the preceding month, GCMC submitted a Notice of Emergency Adoption and Proposed Rule Making in accordance with the requirements of the New York State Administrative Procedures Act ("SAPA"). That Notice sought the immediate temporary adoption of the Rules and the requisite publication of the Rules in the New York State Register.

The Rules for GCM Terminal are substantially similar to those that Metro-North Commuter Railroad has in place for public use of GCT. Both rules seek to ensure proper use of the agency's space, the protection of the public while using the space, and compliance with applicable legal requirements.

GCMC has not received any public comments or objections to the Rules since they were published in December 2022 in accordance with the SAPA requirements.

Recommendation:

That the Board execute the Resolution attached as Attachment A, which approves the Rules in their current form and allowing for their permanent adoption by the GCMC. A copy of the Rules is included in Attachment A.

ATTACHMENT A

BOARD RESOLUTION

WHEREAS, pursuant to Section 1266(5) of the Public Authorities Law, on December 22, 2021, the Metropolitan Transportation Authority created the public benefit corporation subsidiary agency known and MTA Grand Central Madison Concourse Operating Company (“GCMC”);

WHEREAS, pursuant to Sections 1266(4) and 1266(5) of the Public Authorities Law, on December 22, 2022, GCMC properly and duly filed a Notice of Emergency Adoption and Proposed Rule Making, seeking to publish and temporarily adopt a set of rules governing the conduct and safety of the public in the use of the new Grand Central Madison Terminal (the “Rules”), a copy of which is attached to this Resolution as Exhibit A;

WHEREAS, the Rules were published in Issue 2 of the New York State Register on January 11, 2023, under Rule Number MTA022300018;

WHEREAS, the public comment period has since elapsed and GCMC has not received any public comments or objections to the published Rules; and

WHEREAS, GCMC now seeks for the MTA Board to approve and authorize the GCMC to adopt the Rules for permanent use by GCMC;

NOW, upon motion duly made and seconded, the Board hereby resolves as follows:

1. The Rules are approved and adopted for permanent use by GCMC.
2. The Chair, or his designated staff, be, and each of them hereby is, authorized to take such action to execute and file any such documents as may be necessary to conclude the rulemaking process and carry out this Resolution.

Dated: New York, New York
March 29, 2023

EXHIBIT A

MTA Grand Central Madison Concourse Operating Company Rules and Regulations

PART 1041. RULES GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC IN THE USE OF THE FACILITIES OF THE GRAND CENTRAL MADISON CONCOURSE OPERATING COMPANY

§ 1041.1 Authorization and Purpose

- (a) MTA Grand Central Madison Concourse Operating Company (“GCMC”) is a public benefit corporation and a subsidiary of the Metropolitan Transportation Authority. As such, GCMC is empowered by the New York State Public Authorities Law to make rules and regulations governing the conduct and safety of the public in the use and operation of its terminal. Public Authorities Law, sections 1265(5) and (14); and 1266(4) and (8).
- (b) GCMC promulgates the rules set forth below to promote safety, to facilitate the proper use of Grand Central Madison Terminal, and to protect its facilities and its customers, its employees, and the public. In addition to these rules, all applicable provisions of the Penal Law or any other applicable law shall continue to be enforceable.
- (c) These rules may be amended or added to from time to time at the sole discretion of GCMC and in accordance with law.

§ 1041.2 Definitions

As used or referred to in this Part, the following terms have the following meanings unless a different meaning clearly appears from the context in which the term is used:

- (a) “Authority” means the Metropolitan Transportation Authority, the public benefit corporation created by section 1263 of the New York Public Authorities Law.
- (b) “Commercial Activities” means activities whose main purpose is the sale of goods or services or the promotion or advertising of goods or services, including the distribution of goods or materials for free.
- (c) “Controlled Substance” means those substances designated as controlled substances by the New York State Penal Law.
- (d) “Facilities” means the Grand Central Madison Terminal and all adjacent property owned, managed, delegated to, leased, held or operated by GCMC under contract, lease, delegation or other arrangement, including joint service arrangements. Facilities includes all property and equipment including, without limitation, rights of way and related trackage, rails, signal power, fuel, communication and ventilation systems, power plants, tunnels, emergency exits, signage, storage yards, depots, repair and maintenance shops, yards, offices, and other real estate or personalty managed, owned, operated, used, held, delegated to or leased by GCMC for or incidental to the operation, rehabilitation, or improvement of railroad operations including real estate or property used or held or delegated to or leased by GCMC pursuant to joint service arrangements. Furthermore, the term “Facility” or “Facilities” encompasses buildings, structures, and areas used, held, delegated to or leased by GCMC or the Authority, notwithstanding that portions thereof may not be devoted to any agency purpose other than the production of revenues available for covering the costs and expenses of all or any facilities of GCMC or the Authority, but excludes facilities

operated or controlled by Metro-North Commuter Railroad Company, the Long Island Rail Road Company and/or the New York City Transit Authority.

- (e) "General Manager" means the individual or individuals designated by GCMC to have overall supervisory responsibility for the GCMC Facilities, or such person's designee.
- (f) "Grand Central Madison Terminal" means the Grand Central Madison Terminal, including but not limited to all appurtenances, such as the platforms, the concourse, stairways, elevators, escalators and passageways.
- (g) "Noncommercial Activities" means activities involving public speaking, distribution of written materials related to a charitable, religious, or political cause, and solicitation of contributions for charitable, religious or political causes, and artistic performances, including the acceptance of donations for such performances.
- (h) "Person" means any natural person, individual, corporation, society, organization, company, association, firm, partnership, or other entity.
- (i) "Police Officer" refers to any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to their authority, has jurisdiction within a terminal, station or train including without limitation any member of the MTA Police Department, and also any bridge and tunnel officer authorized to issue notices of violation pursuant to New York Public Authorities Law, section 553(7-a).
- (j) "Trains" or "Train" means all trains operated in revenue service in Grand Central Madison Terminal.
- (k) "Unreasonable Noise" means excessively or unusually loud sounds produced by any means which are audible to another Person, and which causes public inconvenience, annoyance, or alarm, but does not include conversational speech or sounds incident to walking or normal movement. The term Unreasonable Noise also includes sounds which interfere with the audibility of the normal communication, audio communication equipment, and speaker system of Grand Central Madison Terminal or a Train.

§ 1041.3 Construction

In interpreting or applying these rules, the following provisions shall apply:

- (a) No act otherwise prohibited by any of these rules may be undertaken unless specifically authorized by the terms of any written contract, agreement, permit, license, or lease of the type issued in the ordinary course of business of GCMC, provided that such act is otherwise in compliance with any other applicable laws, rules, and regulations.
- (b) The rules shall not apply to any GCMC, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, New York City Transit Authority or Authority employee acting within the course of their employment in an area which is closed to the public. Conduct by employees in areas closed to the public shall continue to be governed in accordance with applicable laws and agency disciplinary procedures.
- (c) The rules shall apply with equal force to any Person assisting, aiding, or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding, or abetting another, including a minor, in the avoidance of any of the requirements of the rules.

- (d) The order or judgment of a court or other tribunal of competent jurisdiction that any provision of the rules is invalid shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate any other provision of the rules or the application of any part of the rules to any other Person or circumstance; the provisions of the rules are declared to be severable.
- (e) The singular shall mean and include the plural and vice versa.

§ 1041.4 General Provisions

- (a) Public areas within Grand Central Madison Terminal are open to the public at such times as may be established by GCMC from time to time. Public areas are those areas of Grand Central Madison Terminal which are open for use by the public in gaining access to transportation, arcades, restaurants, shops, offices, and other businesses or services in Grand Central Madison Terminal, in traveling through Grand Central Madison Terminal from one point to another, in waiting for transportation, and in utilizing public toilet facilities or other services as may be permitted pursuant to these rules.
- (b) No Person except Persons assigned to duty therein by GCMC, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, New York City Transit Authority or the Authority shall enter any area of Grand Central Madison Terminal that is not a public area or that is closed to the public, except in a public safety capacity or pursuant to the terms of a lease, license, operating agreement, or concession granted by GCMC or the Authority.
- (c) Emergency closure. Whenever a threat to public health or safety exists in Grand Central Madison Terminal resulting from any cause, the General Manager or any GCMC employee having authority to do so may close the Grand Central Madison Terminal, Facilities or any part thereof to the public to ensure the safety and well-being of the public.
- (d) Noncommercial Activities within the public areas of Grand Central Madison Terminal are deemed to be authorized provided that such activities:
 - (1) Do not impede or interfere with access onto or off of an escalator, stairway, or elevator;
 - (2) Do not interfere with or impair transportation services or the movement of Persons within Grand Central Madison Terminal;
 - (3) Do not violate any of the prohibitions contained in these rules;
 - (4) Do not take place on platforms located within Grand Central Madison Terminal; and
 - (5) If taking place within Grand Central Madison Terminal, are conducted in accordance with a permit obtained from the General Manager. Applications for permits to conduct Noncommercial Activities within the public areas of Grand Central Madison Terminal may be obtained by e-mailing the General Manager at general.manager@mtagcmc.org and typing "permit request" in the subject line of the e-mail. Such permits will be granted on a first come, first served basis to individuals completing the appropriate permit application and agreeing to abide by these rules, as well as any conditions contained in the permit application. Permits may specify as conditions to their use the location within

Grand Central Madison Terminal, the amount of space allocated and the time or times for which they are valid, as well as the maximum number of people covered by the permit and the size and number of tables, chairs, signs, posters, or like equipment, if any, allowed at that time and location. Permit applications may require information that identifies the permittee or permittees, and any sponsoring organization, other information designed to determine that there will be compliance with these rules and regulations and the above permit conditions, and may also require an acknowledgment or release from liability for any injury that may result from the exercise of rights under the permit. GCMC may charge a fee to permit applicants to cover its administrative costs, but in no event shall such charge exceed \$5. Permits may be suspended or vacated for emergencies and for violation of the prohibitions and conditions contained in the permit application and these rules.

- (e) The maximum amount of time in any calendar day that a person may use benches, chairs or other furniture designed for sitting in the public or designated ticketed passenger-only areas of Grand Central Madison Terminal is 90 minutes, provided that GCMC may extend such time period in instances of significant delay or other exigent circumstances.
- (f) All persons in Grand Central Madison Terminal shall comply with all lawful orders and directives of any Police Officer, peace officer or any GCMC or Authority employee acting within the scope of their employment, including one pursuant to an order or directive issued by the Governor of the State of New York pursuant to a State disaster emergency relating to public health or an order or directive issued by the Authority that includes requiring the wearing of masks or face coverings by any individual who is over the age of two and is able to medically tolerate a face-covering. Masks or face coverings must be worn in a manner covering the nose and mouth. Any person who does not comply with such an order or directive requiring wearing of masks or face coverings in a manner covering the nose and mouth may be barred from entering, or be ejected from, any terminal, station, or train, in addition to a fine of \$50.

§ 1041.5 Prohibited Uses

No Person in Grand Central Madison Terminal shall:

- (a) Block free movement of another person or persons; lie on the floor, platforms, stairs, tables, benches, chairs or other furniture designed for sitting, counters or landings; or occupy more than one seat;
- (b) Create any Unreasonable Noise by any means. Use of music players, radios, and other sound-producing devices must be accomplished by means of headphones or earphones and must be inaudible to others;
- (c) Throw, drop, or cause to be propelled any object, projectile, or other article at, from, upon, in, or on a Facility or Train;

- (d) Drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except in such areas and at such times as may be permitted by GCMC in its sole discretion;
- (e) Consume any Controlled Substance, except pursuant to valid prescription;
- (f) Enter or remain in Grand Central Madison Terminal while their ability to function safely in the environment of Grand Central Madison Terminal is impaired by the consumption of alcohol or any Controlled Substance;
- (g) Endanger the safety of others, engage in fighting or assault another Person or Persons, or threaten another Person with such conduct.
- (h) Vandalize, injure, deface, alter, write upon, destroy, remove, or tamper with the Facilities or Trains, including any Facilities under the jurisdiction of any tenants or permittees;
- (i) Unless they are authorized employees or agents of GCMC, the Authority, the Long Island Rail Road Company or Metro-North Commuter Railroad Company, enter or attempt to enter any area which is locked or otherwise restricted from public access by any means including, but not limited to, barricades, fencing, doors, and signs, or enter or leave Grand Central Madison Terminal except by designated entrance ways or exits;
- (j) Skateboard, roller skate, or ride a bicycle, scooter, or any other self-propelled vehicle or motor-propelled vehicle or device on or through any part of Grand Central Madison Terminal. The use of self-propelled or motor-propelled vehicles or devices by Persons with physical disabilities is permitted;
- (k) Cook, light a fire, or otherwise create a fire except pursuant to the terms of any lease, license, operating agreement, concession, or permit granted by GCMC or Authority;
- (l) Utilize hand carts on escalators;
- (m) Dispense commercial merchandise with or without charge or carry on any commercial activity except pursuant to the terms of a lease, license, operating agreement, or concession granted by GCMC or Authority;
- (n) Offer to or agree to carry baggage for hire and/or flag taxicabs or car services except pursuant to the terms of a lease, license, operating agreement, or concession granted by GCMC or the Authority;
- (o) Burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco, or any tobacco substitute, or use an electronic cigarette (vaping) on a train or in any indoor area within Grand Central Madison Terminal, or in an outdoor ticketing, boarding or platform area of Grand Central Madison Terminal;
- (p) Engage in any activity which interferes with the Commercial Activities of lessees, tenants, licensees, and their employees or customers;
- (q) Engage in Noncommercial Activities, except as authorized in section 1041.4(d) of this Part.
- (r) Sit on the platforms, stairs, tables, counters, or landings;
- (s) Utilize a wheeled cart greater than thirty (30) inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is being utilized for children, except for authorized deliveries to tenants in the Grand Central Madison Terminal in areas designated for deliveries; or
- (t) Perform any act that interferes with the provision of transportation service, obstructs the flow of traffic in or on Facilities, platforms, or conveyances, interferes with access onto or

off of an escalator, stairway or elevator, or otherwise interferes with the safe and efficient operation of the Facilities.

§ 1041.6 Littering and Dumping Rubbish and Refuse

No Person shall litter in Grand Central Madison Terminal or the Facilities. All Persons shall use receptacles provided for the disposal of refuse. No bulk refuse generated or collected on property outside the jurisdiction of GCMC may be taken into, dumped within or carried through a Facility or deposited in any Facility receptacle. Trash and other waste materials contained in waste receptacles within Grand Central Madison Terminal shall not be removed except by Persons duly authorized by the General Manager.

§ 1041.7 Hygiene

- (a) No Person shall spit in or upon Grand Central Madison Terminal or the Facilities.
- (b) No Person shall urinate or defecate in any part of Grand Central Madison Terminal or the Facilities, other than in a urinal or toilet intended for that purpose.
- (c) Only one Person may occupy a Grand Central Madison Terminal or Facilities urinal or toilet booth at one time. This shall not preclude an individual responsible for the care of a small child or a person with a disability from assisting such child or person with a disability in the use of such urinal or toilet booth.
- (d) No Person shall use any water fountain, drinking fountain, or any other water found in the Grand Central Madison Terminal or the Facilities for the purpose of washing or cleaning himself or herself, his or her clothing, or other personal belongings. This subdivision shall not apply to Facilities within Grand Central Madison Terminal that are specifically designated for personal hygiene purposes (i.e., wash basins, bathroom, shower room) provided, however, that no Person shall wash their clothes or personal belongings in such areas and that only one Person at a time may occupy a shower. No Person shall bathe, launder, or change clothes or remain undressed in any public restroom, sink, washroom, or any other area within Grand Central Madison Terminal or the Facilities.

§ 1041.8 Priority Seating for Persons with Disabilities

No Person shall refuse or fail to relinquish a seat in an area which has been designated as "Priority Seating for Disabled Persons," if requested to do so by a GCMC, Authority, or the Long Island Rail Road Company employee or a Police Officer.

§ 1041.9 Animals

No person except a Police Officer or other person authorized by GCMC shall enter the Grand Central Madison Terminal or the Facilities with any animal except a service animal or an animal enroute to or from a train and under the direct control of the individual the animal is accompanying such as by leash, container, or other device, and is carried in a manner that would not annoy other passengers. This section does not apply to working dogs for law enforcement agencies, service animals which have been trained or are being trained to aid or guide a person with a disability and

are accompanying persons with disabilities, or service animals which are being trained by a professional trainer. All service animals must be harnessed or leashed.

“Service animal” means a guide dog, signal dog, or other animal individually trained to perform one or more specific tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or mental disability, that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items, recognizing or avoiding hazards, alerting a person to an oncoming seizure, and responding to a seizure. The term service animal does not include a therapy animal, comfort animal, or animal used for emotional support.

§ 1041.10 Firearms or other weapons

No firearms or other weapons (as the term is used in the New York State Penal Law) may be carried in or on any Facility or Train except as permitted by law.

§ 1041.11 Explosives, acids, inflammables, compressed gases, and other dangerous substances

No Person shall bring into or carry in the Grand Central Madison Terminal or the Facilities any explosives, acids, inflammables, compressed gases, or articles or materials having or capable of producing strong offensive odors, explosion, or fire, or articles or materials likely to endanger persons or property, or any signal flare, or any container filled with or which has been emptied or partially emptied of oil, gasoline, petroleum products, paint, or varnish, except as permitted by GCMC, conditioned upon the use of appropriate receptacles in rooms or areas approved for such use, or materials otherwise prohibited under this paragraph provided that such material is still under its original manufacturer's seal and complies with all applicable laws and regulations. Bringing in or keeping at the Facility without special permission gasoline or other motor fuel contained in tanks permanently attached to vehicles and not contained under pressure shall not be a violation of this rule.

§ 1041.12 Unauthorized interference with or use of systems or equipment prohibited

No Person shall do or permit to be done anything which may interfere with the effectiveness or accessibility of the fire protection system, sprinkler system, drainage system, alarm system, telephone system, electrical system, public announcement and intercommunication system, plumbing system, lighting system, security system, elevator and escalator systems, air-conditioning system, ventilation system, fire hydrants, hoses, fire extinguishers, towing equipment, or other mechanical systems, facilities or equipment installed or located at or in Grand Central Madison Terminal or the Facilities including closed circuit television cameras and monitors, signs, and notices; nor shall any person operate, adjust, or otherwise handle or manipulate, without permission, any of the above systems or portions thereof, or any machinery, equipment, or other devices installed in or located at the Grand Central Madison Terminal or the Facilities. Tags showing date of last inspection attached to units of fire extinguishing and firefighting equipment shall not be removed therefrom, nor shall any person plug a television, radio or other electrical device into any outlet, or connect any device to any utility at or in Grand

Central Madison Terminal or the Facilities, except with the permission of an authorized GCMC or Authority employee.

§ 1041.13 Enforcement

- (a) Any Person violating any of these rules may receive an appearance ticket and/or may be subject to ejection from Grand Central Madison Terminal or the Facilities.
- (b) Any Police Officer is empowered to issue an appearance ticket and/or order ejection from the Grand Central Madison Terminal or the Facilities for violation of any of these rules.
- (c) Violation of these rules shall constitute an offense punishable by a fine or imprisonment or both but no such fine or imprisonment shall exceed the maximum fine or imprisonment permitted under Public Authorities Law, section 1266(4).

§ 1041.14 Public Notice of the Provisions of New York Penal Law § 165.16 (as Added by Chapter 57 of the Laws of 2005)

The following notice of the provisions of New York Penal Law §165.16 is provided pursuant to part T, section 2 of chapter 57 of the Laws of 2005. New York Penal Law, §165.16 states:

Unauthorized sale of certain transportation services.

1. A person is guilty of unauthorized sale of certain transportation services when, with intent to avoid payment by another person to the Metropolitan Transportation Authority, New York City Transit Authority or a subsidiary or affiliate of either such authority of the lawful charge for transportation services on a railroad, subway, bus or mass transit service operated by either such authority or a subsidiary or affiliate thereof, he or she, in exchange for value, sells access to such transportation services to such person, without authorization, through the use of an unlimited farecard or doctored farecard. This section shall apply only to such sales that occur in a transportation facility, as such term is defined in subdivision two of section 240.00 of this chapter, operated by such Metropolitan Transportation Authority, New York City Transit Authority or subsidiary or affiliate of such authority, when public notice of the prohibitions of its section and the exemptions thereto appears on the face of the farecard or is conspicuously posted in transportation facilities operated by such Authority, New York City Transit Authority or such subsidiary or affiliate of such authority.
2. It shall be a defense to a prosecution under this section that a person, firm, partnership, corporation, or association: (a) selling a farecard containing value, other than a doctored farecard, relinquished all rights and privileges thereto upon consummation of the sale; or (b) sold access to transportation services through a farecard, other than a doctored farecard, when such sale was made at the request of the purchaser as an accommodation to the purchaser at a time when a farecard was not immediately available to the purchaser, provided, however, that the seller lawfully acquired the farecard and did not, by means of an unlawful act, contribute to the circumstances that caused the purchaser to make such request.
3. For purposes of this section:

- a. "Farecard" means a value-based, magnetically encoded card containing stored monetary value from which a specified amount of value is deducted as a payment of a fare;
- b. "Unlimited farecard" means a farecard that is time-based, magnetically encoded, and which permits entrance an unlimited number of times into Facilities and conveyances for a specified period of time; and
- c. "Doctored farecard" means a farecard that has been bent or manipulated or altered so as to facilitate a person's access to transportation services, without paying the lawful charge.

Unauthorized sale of transportation service is a class B misdemeanor.