

Long Island Rail Road

21 NYCRR 1097.1

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OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 21. MISCELLANEOUS

CHAPTER XXI. METROPOLITAN TRANSPORTATION AUTHORITY
SUBCHAPTER D. RULES AND REGULATIONS GOVERNING THE CONDUCT AND SAFETY OF THE
PUBLIC

PART 1097. RULES AND REGULATIONS GOVERNING THE CONDUCT AND SAFETY OF THE
PUBLIC AND USE OF THE LONG ISLAND RAIL ROAD COMPANY TERMINALS, STATIONS AND
TRAINS

Text is current through March 31, 2008.

Section 1097.1 Authorization and purpose.

(a) The Long Island Rail Road Company ("LIRR") is a public benefit corporation and an independent subsidiary of the Metropolitan Transportation Authority ("MTA"). As such, the LIRR 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 terminals, stations and trains. Public Authorities Law, sections 1265(5), (14) and 1266(4) and (8).

(b) The LIRR promulgates the rules set forth below to promote safety, to facilitate the proper use of the LIRR terminals, stations, and trains, and to protect its facilities, 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 the LIRR and in accordance with the law.

S Section 1097.2 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 in the New York Penal Law, section 220.00.

(d) Facilities means Jamaica station, Flatbush Avenue station, that portion of Pennsylvania station which is utilized or occupied by the LIRR, and all other terminals and stations owned by the LIRR, or operated by the LIRR, under contract, lease 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, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices and other real estate or personally used or held for or incidental to the operation, rehabilitation or improvement of LIRR's railroad service in or around Jamaica station, Flatbush Avenue station, that portion of Pennsylvania station which is leased by the LIRR, and all other terminals and stations owned by the LIRR, or operated by the LIRR, under contract, lease or other arrangement with the LIRR. Furthermore, the term facilities encompasses buildings, structures and areas used, held or leased by the LIRR or the authority, notwithstanding that portion thereof may not be devoted to any railroad purpose other than the production of revenues available for covering the costs and expenses of all or any facilities of the LIRR or the authority.

(e) LIRR and the Long Island Rail Road Company mean that independent subsidiary and public benefit corporation created by the authority.

(f) Noncommercial activities means activities involving public speaking; distribution of written materials related to a charitable, religious or political cause; solicitation of contributions for charitable, religious or political causes; and artistic performances, including the acceptance of donations for such performances.

(g) Person means any natural person, individual, corporation, society, organization, company, association, firm, partnership, or other entity.

(h) Police officer refers to any member of the LIRR Police Department and any other police officer duly appointed pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to his authority, has jurisdiction within a terminal or station or train.

(i) Superintendent means that individual or individuals designated by the LIRR to have supervisory responsibility for the LIRR terminals and stations.

(j) Terminals and stations means Jamaica station, Flatbush Avenue station, that portion of Pennsylvania station which is utilized or occupied by the LIRR, as well as all terminals and stations owned or operated by the LIRR, under contract, lease or other arrangement, including joint service arrangements, and including all appurtenances, to any terminal or station, including but not limited to platforms, stairways, arcades and passageways.

(k) Trains means all trains operated by LIRR in revenue service.

(l) Unreasonable noise means excessively or unusually loud sounds produced by any means which are audible to another person and which cause 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 a terminal, station or train.

Section 1097.3 Construction.

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

(a) Any act otherwise prohibited by any of the rules is permitted if 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 the LIRR provided that such act is otherwise in compliance with any other applicable laws,

rules and regulations.

(b) The rules shall not apply to an LIRR employee acting within the course of his 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 other applicable laws and LIRR 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; the masculine gender shall mean and include the feminine; and vice versa.

Section 1097.4 General provisions.

(a) Public areas within the terminals and stations are open to the public at such times as may be established by the LIRR from time to time. Public areas are those areas of the facilities which are intended for use by the public in accessing transportation, arcades, restaurants, shops, offices and other businesses in the facilities, in traveling through the terminals or stations, from one point to another, in waiting for transportation, and in utilizing public lavatory facilities and public pay telephones or other services as may be permitted pursuant to these rules.

(b) No person except persons assigned to duty therein by LIRR or the authority shall enter any area of a terminal, station or train 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 or operating agreement or concession granted by the LIRR or the authority.

(c) Emergency closure. Whenever a threat to public health or safety exists in a terminal or station resulting from any cause, the superintendent or any LIRR employee having authority to do so may close the affected terminal or station or any part thereof to all persons to insure the safety and well-being of the public.

(d) Noncommercial activities within the stations and terminals are deemed to be authorized provided that such activities:

(1) do not impede or interfere with the 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 a station or terminal;

(3) do not violate any of the prohibitions contained in these rules;

(4) do not take place on platforms located within Pennsylvania station or on trains; and

(5) if taking place within Pennsylvania station, are conducted in accordance with a permit obtained from the superintendent.

Applications to conduct noncommercial activities within Pennsylvania station may be obtained at customer service office, between the hours of 7:00 a.m. and 11:00 p.m., Monday through Friday, excluding holidays. Such permits will be granted on a first-come, first-served basis to individuals completing the appropriate application and agreeing to abide by these rules, as well as the conditions contained in the permit application. Permits may specify as conditions to their use the location within Pennsylvania station, 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, any sponsoring organization, and 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. The LIRR 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 for emergencies and for violation of the prohibitions listed above, or for violation of the conditions contained in the permit application and these rules.

Section 1097.5 Prohibited uses.

No person in a terminal, station or train shall:

(a) block free movement of another person or persons, lie on the floor, platforms, stairs, or landings, or occupy more than one seat;

(b) create any unreasonable noise by any means. Use of radios and other sound-producing devices on trains 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 premises or areas allowing the sale or consumption of alcoholic beverages, such as on trains or platforms or in bars or restaurants;

(e) consume any controlled substance in any part of a terminal or station, except pursuant to valid prescription;

(f) enter or remain in a terminal, station or train while his or her ability to function safely in the environment of the terminal, station or train is impaired by the consumption of alcohol or by the taking of any controlled substance;

(g) endanger the safety of others, engage in fighting, or assault upon another person or persons or threaten another person with such conduct;

(h) vandalize, injure, deface, alter, write upon, destroy, remove or tamper within any way any real or personal property or equipment owned by or under the jurisdiction or control of LIRR, the authority, their tenants or permittees;

(i) 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 a terminal,

station or train except by designated entrance-ways or exits;

(j) skateboard, roller skate, or ride a bicycle, scooter or any other self-propelled or motor-propelled vehicle or device, other than by a physically disabled person, on or through any part of a terminal, station or train excluding parking lots and access roads;

(k) cook, light a fire or otherwise create a fire, except pursuant to the terms of any lease, license or concession granted by the LIRR or the authority;

(l) utilize hand carts on the escalators;

(m) dispense commercial merchandise with or without charge, or carry on any other commercial activity except pursuant to the terms of any lease, license, operating agreement or concession granted by the LIRR or the authority;

(n) offer or agree to carry bags for hire or to flag taxicabs for hire;

(o) burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco or any tobacco substitute on a train, in any indoor area within a terminal or station not specifically designated as an area where such conduct is permitted, or in an outdoor ticketing, boarding or platform area of a terminal or station;

(p) engage in any activity which interferes with the commercial activities of lessees, tenants and their customers; and

(q) engage in noncommercial activities, except as authorized by subdivision (d) of this section.

Section 1097.6 Littering and dumping, rubbish and refuse.

No person shall litter in a terminal, station or train. All persons shall use receptacles provided for the disposal of refuse. No bulk refuse generated or collected on property outside the jurisdiction of LIRR may be taken into, dumped within or carried through a terminal, station or train or deposited in any receptacle in any terminal, station or train. Trash and other waste materials contained in waste receptacles within a terminal, station or train shall not be removed except by persons duly authorized by the superintendent in the case of Pennsylvania station or director of passenger services in the case of any other terminal, station or any train.

Section 1097.7 Hygiene facilities.

(a) No person shall spit in a terminal, station or train.

(b) No person shall urinate or defecate in any part of a terminal, station or train other than in a urinal or toilet intended for that purpose.

(c) Only one person may occupy a terminal, station or train urinal or toilet booth at one time. This shall not preclude an individual responsible for the care of a small child or a disabled person from assisting such child or disabled person in the use of such a urinal or toilet booth.

(d) No person shall use any water fountain, drinking fountain, or any other water found in a terminal, station or train 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 the terminals, stations or trains which are specifically designated for personal hygiene purposes (i.e., bathroom, wash basin, shower room) provided, however, that no person shall wash clothes or other personal belongings in such areas. No person shall bathe, launder, or change clothes or remain undressed in any public restroom, sink, washroom, or any other area within a terminal, station or train.

Section 1097.8 Priority seating for disabled persons.

No person shall refuse or fail to relinquish a seat on a train which has been designated as "Priority Seating for Disabled Persons", if requested to do so by a member of an LIRR train crew, engine crew or a police officer.

Section 1097.9 Presentation of tickets.

No person shall refuse or fail to present a valid LIRR ticket, employee pass or dependent pass, or tender the applicable fare, as required.

Section 1097.10 Animals barred from terminal.

No person except a police officer or another person authorized by LIRR shall enter in a terminal, station or train with any animal except a seeing eye or hearing ear dog or an animal properly confined for shipment.

Section 1097.11 Firearms or other weapons.

No persons, except for those licensed to do so and in immediate possession of such license, shall bring into or carry in a terminal, station or train any firearms or other weapons.

Section 1097.12 Explosives, acids, inflammables, compressed gases, and other dangerous substances.

No person shall bring into or carry in a terminal, station or train 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. No person shall bring or cause to be brought into or kept in a terminal, station or train any signal flare or any container filled with or which has been emptied or partially emptied of oil, gas petroleum products, paint or varnish. When authority is given to bring into or keep at a terminal, station or train any such articles or materials it shall be conditioned upon the use of appropriate receptacles in rooms or areas approved therefor by the superintendent in the case of Pennsylvania station or the director of passenger services in the case of any other terminal or station or any train. It shall not be a violation of this regulation for an individual in transit to bring or cause to be brought into a terminal, station or train any material otherwise prohibited by this section, 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 a terminal, station or train, without authority, gasoline or other motor fuel contained in tanks permanently attached to vehicles and not contained under pressure shall not be a violation of this regulation.

Section 1097.13 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 system, air-conditioning system, ventilation system, fire hydrants, hoses, fire extinguishers, towing equipment or other mechanical systems or equipment installed or located at a terminal, station or train 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 aforesaid systems or portions thereof, or any machinery, equipment or other devices installed or located at a terminal, station or train. Tags showing date of last inspection attached to units of fire extinguishing and fire-fighting equipment shall not be removed therefrom. Nor shall any person plug a TV, television, radio or other electrical device into any outlet or connect any device to any utility at or in a terminal, station or train.

Section 1097.14 Railroad crossings.

No person shall traverse any railroad crossing:

- (a) when an audible or clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;
- (b) when a crossing gate is lowered or when a human flagman continues to give a signal of the approach or passage of a train;
- (c) when a train approaching within approximately 1,500 feet of the crossing emits a signal audible from such distance and such train, by reason of its speed or nearness to such crossing, is an immediate hazard;
- (d) when an approaching train is plainly visible and is in hazardous proximity to such crossing; and
- (e) when a crossing gate is in the process of being opened or closed. No person, except an LIRR employee acting in the course of his duties, may cross LIRR train tracks other than at a railroad crossing

maintained for public use by the LIRR or at a private crossing established pursuant to statute or written agreement with the LIRR.

Section 1097.15 Enforcement.

(a) Any person violating any of these rules may receive an appearance ticket and/or is subject to ejection from a terminal, station or train.

(b) Any police officer shall be empowered to issue an appearance ticket or order ejection from a terminal, station or train for violation of any of these rules.

(c) Violation of these rules shall constitute an offense and shall be punishable by a fine not exceeding \$50 or imprisonment for not more than 30 days or both. Public Authorities Law, section 1266(4).

Section 1097.16 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 is provided pursuant to part T, section 2 of chapter 57 of the Laws of 2005. New York Penal Law, section 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 metropolitan transportation 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 the use of 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 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.

Metro-North Railroad (“MNR”) and Long Island Rail Road (“LIRR”) amended Rules of Conduct, 21 NYCRR 1085 and 21 NYCRR 1097, respectively, effective April 29, 2020

- New provision providing that 90 minutes is the maximum amount of time in a day a person can use benches, chairs or other furniture in the public or ticketed passenger-only areas of any terminals or stations. [MNR Section 1085.4(e); LIRR Section 1097.4(e)]
[New provision does not prohibit staying in stations more than 90 minutes, just prohibits using benches, chairs and other furniture in stations for more than 90 minutes.]
- New provision providing that persons may remain in shelters on train platforms no more than 90 minutes. [MNR Section 1085.4(f); LIRR Section 1097.4(f)]
- Existing Railroad rules forbid lying down on the floor, platforms, stairs and landings at stations and terminals. Amended to add prohibition against lying down on tables, benches, chairs, other furniture or counters at stations and terminals. [MNR Section 1085.5(a); LIRR Section 1097.5(a)]
- Existing Railroad rules permitted consumption of alcoholic beverages and carrying open alcoholic beverage containers on trains, platforms, terminals and stations. Amended to remove specific areas where consumption of alcoholic beverages is permitted and instead gives the Railroads discretion to determine where and when to allow such activities. [MNR Section 1085.5(d); LIRR Section 1097.5(d)]
- Existing Railroad rules prohibit smoking on trains, at terminals, stations, and outdoor ticketing, boarding and platform areas. Amended to clarify that this prohibition includes e-cigarettes. [MNR Section 1085.5(o); LIRR Section 1097.5(o)]
- New provision prohibits sitting on platforms, stairs, tables, counters or landings at stations and terminals. [MNR Section 1085.5(r); LIRR Section 1097.5(r)]
- New provision prohibits wheeled carts greater than thirty inches in length or width at stations and terminals, except for authorized deliveries and strollers with children. [MNR Section 1085.5(s); LIRR Section 1097.5(s)]
- New provision prohibits performing any act that interferes with the provision of transportation services, obstructs the flow of traffic around facilities, platforms or conveyances, interferes with access to an escalator, stairway, elevator or train, or otherwise interferes with the safe operation of Railroad trains and facilities. [MNR Section 1085.5(t); LIRR Section 1097.5(t)]

Mask Compliance Rule - LIRR

A new subdivision (e) is added to Section 1097.4 to read as follows:

(e) All persons in a terminal, station or train shall comply with all lawful orders and directives of any police officer, peace officer or any Long Island Rail Road 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 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.