

Metro-North Railroad

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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 1085. RULES AND REGULATIONS GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC IN THE USE OF THE METRO-NORTH COMMUTER RAILROAD COMPANY TERMINALS, STATIONS AND TRAINS

Text is current through March 31, 2008.

Section 1085.1 Authorization and purpose.

(a) Metro-North Commuter Railroad Company ("Metro-North") is a public benefit corporation and an independent subsidiary of the Metropolitan Transportation Authority ("MTA"). As such, Metro-North 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) Metro-North promulgates the rules set forth below to promote safety, to facilitate the proper use of Metro-North terminals, stations and trains, 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 Metro-North and in accordance with law.

S Section 1085.2 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 Grand Central terminal and all other terminals and stations within New York State owned or operated by Metro-North 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, signage, storage yards, depots, repair and maintenance shops, yards, offices and other real estate or personally owned, operated, used, held or leased by Metro-North for or incidental

to the operation, rehabilitation or improvement of railroad operations including real estate or property used or held or leased by Metro-North pursuant to joint service arrangements. Furthermore, the term facility or facilities encompasses buildings, structures, and areas used, held or leased by Metro-North or the authority notwithstanding that portions 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 Metro-North or the authority.

(e) General superintendent means the individual or individuals designated by Metro-North to have overall supervisory responsibility for the Metro-North facilities at Grand Central terminal, or his designee.

(f) Grand Central terminal means the Grand Central terminal main station building including, but not limited to, the arcades, passageways and platforms shown on existing conditions maps identified in the Harlem-Hudson lease agreement and all appurtenances thereto.

(g) Metro-North Commuter Railroad Company or Metro-North means that independent subsidiary and public benefit corporation created by the authority that operates and maintains the Hudson, Harlem, New Haven, Port Jervis and Pascack Valley commuter railroad lines.

(h) 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.

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

(j) Police officer refers to any member of the Metro-North 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, station or train.

(k) Terminals and stations means Grand Central terminal as well as all terminals and stations within New York State owned or operated by Metro-North 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.

(l) Trains means all trains operated by Metro-North in revenue service.

(m) 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 1085.3 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 Metro-North, provided that such act is otherwise in compliance with any other applicable laws, rules and regulations.

(b) The rules shall not apply to a Metro-North 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 applicable laws and Metro-North 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 1085.4 General provisions.

(a) Public areas within the terminals and stations are open to the public at such times as may be established by Metro-North from time to time. Public areas are those areas of the terminals or stations which are open for use by the public in gaining access to transportation, arcades, restaurants, shops, offices and other businesses or services in the terminals and stations, in traveling through the terminals or stations from one point to another, in waiting for transportation, and in utilizing public toilet 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 Metro-North 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, operating agreement or concession granted by Metro-North 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 general superintendent or any Metro-North employee having authority to do so may close the affected terminal or station or any part thereof to the public to ensure 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 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 Grand Central terminal or on trains; and

(5) if taking place within Grand Central terminal, are conducted in accordance with a permit obtained from the general superintendent.

Applications for permits to conduct noncommercial activities within Grand Central terminal may be obtained at the general superintendent's office in Grand Central terminal between the hours of 8:30 a.m. and 5:00 p.m. on Monday through Friday, excluding holidays. 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 the 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. Metro-North 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.

Section 1085.5 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 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 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 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 vehicle or motor-propelled vehicle or device, on or through any part of a terminal, station or train excluding parking lots and access roads. The use of self-propelled or motor-propelled vehicles or devices by physically disabled persons is

permitted;

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

(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 or their customers; and

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

Section 1085.6 Littering and dumping rubbish and refuse.

No person shall litter in a facility 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 Metro-North may be taken into, dumped within or carried through a facility or train or deposited in any facility or train receptacle. Trash and other waste materials contained in waste receptacles within a facility or train shall not be removed except by persons duly authorized by the general superintendent in the case of Grand Central terminal and an authorized representative of the Transportation Department in the case of any other facility or any train.

Section 1085.7 Hygiene.

(a) No person shall spit in or upon any 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., wash basin, bathroom, shower

room) provided, however, that no person shall wash his or her 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 a terminal, station or train.

Section 1085.8 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 a MNCR train crew, engine crew or a police officer.

Section 1085.9 Presentation of tickets.

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

Section 1085.10 Animals barred from terminal.

No person except a police officer or other person authorized by Metro-North shall enter a terminal, station or train with any animal except a seeing eye or hearing ear dog 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.

Section 1085.11 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 facility or train any firearms or other weapons.

Section 1085.12 Explosives, acids, inflammables, compressed gases, and other dangerous substances.

No person shall bring into or carry in a facility 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 facility 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 facility 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 general superintendent in the case of Grand Central terminal or the chief engineer in the case of any other facility 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

facility or train 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.

Section 1085.13 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, facilities or equipment installed or located at or in any facility 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 in 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 television, radio or other electrical device into any outlet or connect any device to any utility at or in any facility or train, except with the permission of an authorized Metro-North employee.

Section 1085.14 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 a Metro-North employee acting in the course of his duties, may cross Metro-North train tracks other than at a railroad crossing maintained for public use by Metro-North or at a private crossing established pursuant to statute or written agreement with Metro-North.

Section 1085.15 Enforcement.

- (a) Any person violating any of these rules may receive an appearance ticket and/or may be subject to ejection from a facility or train.
- (b) Any police officer is empowered to issue an appearance ticket and/or order ejection from a facility or

train for violation of any of these rules.

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

Section 1085.16 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 165.16 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.