

# Rules of Conduct & Fines

MTA Rule	MTA Offense Description	Fine
1030.2	Requiring persons to wear masks	\$50

NYCTA Rule	NYCTA Offense Description	Fine
1050.4(a)	Entered without payment	\$100
1050.4(b)	(Reserved)	( )
1050.4(c)	Unauthorized sale of fare media	\$60
1050.4(d)	Unauthorized use of fare media	\$75
1050.5(a)	Graffiti or other defacement	\$75
1050.5(b)	Posting notices of signs	\$25
1050.5(c)	Non-transit use	\$50
1050.6(a)	Obstruction of operations or traffic	\$100
1050.6(b)	Unauthorized commercial activity	\$50
1050.6(c)1	Activity in prohibited area (including > 1hr in fare zone)	\$25
1050.6(c)2	Interfering passenger movement	\$25
1050.6(c)3	Activity near construction	\$25
1050.6(c)4	Excessive noise	\$25
1050.6(c)5	Media device	\$25
1050.6(c)6	Sound production device	\$25
1050.6(c)7	Misrepresent affiliation	\$25
1050.6(d)1	Violating Lawful Orders	\$50
1050.6(d)2	Disregard sign or notice	\$50
1050.6(d)3	ID Rule	n/a
1050.6(e)	Interfere wheelchair facility	\$50
1050.6(f)	Carrying open liquid	\$25
1050.6(g)	Misrepresentation as agent	\$50
1050.6(h)	Governor declared disaster (requiring passengers to leave)	\$100

NYCTA Rule	NYCTA Offense Description	Fine
1050.7(a)	Litter, spit, urinate, or defecate	\$100
1050.7(b)	Smoke, open flame, vape	\$50
1050.7(c)	Sleeping where hazardous	\$50
1050.7(d)	Gambling	\$50
1050.7(e)	Unnecessary noise	\$50
1050.7(f)	Throwing objects	\$75
1050.7(g)	Drinking alcohol	\$50
1050.7(h)	Impaired by alcohol or drugs	\$50
1050.7(i)	Breach of peace	\$50
1050.7(j)	Obstruction of seating, facilities, elevators, escalators	\$50
1050.7(k)	Commission of harmful acts	\$100
1050.8(a)	Carrying a weapon	\$100
1050.8(b)	Carrying explosives	\$100
1050.9(a)	Entering restricted area	\$50
1050.9(b)	Unauthorized parking	\$50
1050.9(c)	Unauthorized photography or film	\$25
1050.9(d)	Use end door or pass between cars	\$75
1050.9(e)	Extending body or item out vehicle	\$75
1050.9(f)	Unauthorized entrance or exit	\$50
1050.9(g)1	Carrying long object	\$75
1050.9(g)2	Carrying obstructive objects (including carts > 30 inches)	\$75
1050.9(g)3	Carrying hazardous objects	\$75
1050.9(h)	Unauthorized animals	\$25

## **§ 1030.2 Requiring Persons to Wear Masks**

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(a) At all times required by Order of the Centers for Disease Control and Prevention and/or Executive Order of the Governor of the State of New York every person on or in any terminal, station, train, facility, or conveyance (as those terms are defined in Parts 1040, 1044, 1050, 1085, and 1097 of this Subchapter) of any authority covered by this Part shall wear a mask that completely covers their mouth and nose. A mask should fit snugly but comfortably against the face and be secured to the head, with ties, ear loops, or elastic bands behind the head. A gaiter must have two layers of fabric or be folded to make two layers. Masks may be either manufactured or homemade and must be a solid piece of material without slits, exhalation valves, or punctures. Cloth masks should be made with two or more layers of breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source). Masks may be reusable or disposable. Medical masks and N-95 respirators fulfill this requirement.

The following do not meet this requirement:

- (i) masks worn in a way that does not cover the nose and mouth
- (ii) face shields or goggles (though face shields or goggles may be worn to supplement a mask that meets the above required attributes)
- (iii) scarves, ski masks, balaclavas, or bandannas
- (iv) shirt or sweater collars (i.e., turtleneck collars) pulled up over the mouth and nose
- (v) masks made from loosely woven fabric or that are knitted (i.e., fabrics that let light pass through)
- (vi) masks made from material that is hard to breathe through (such as vinyl, plastic or leather)
- (vii) masks containing slits, exhalation valves or punctures.

(b) The requirement to wear a mask shall not apply under the following circumstances:

- (1) while eating or drinking for brief periods, but only in locations where eating and drinking otherwise are permitted, or while taking medication; prolonged periods of mask removal are not permitted for eating or drinking, the mask must be worn between bites and sips
- (2) while communicating with a person who is hearing impaired when the ability to see the mouth is essential for communication
- (3) while a person is unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance
- (4) when necessary to temporarily remove the mask to verify one's identity or when asked to do so by any police officer, peace officer, or authority employee
- (5) when in outdoor areas of terminals, stations or facilities.

(c) The following categories of persons are not required to wear a mask:

- (1) a child under the age of two years;
- (2) a person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act;
- (3) a person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by applicable workplace safety guidelines or federal regulations.

(d) Any person who does not comply with the requirement to wear a mask that completely covers their mouth and nose may be barred from entering or remaining on or in any terminal, station, train, facility, or conveyance of any authority covered by this Part and also may be fined \$50 per occurrence. This rule shall be enforced by each of the authorities on or in its terminals, stations, trains, facilities, or conveyances by any person authorized by such authority to enforce its own rules and pursuant to the procedures established by such authority for enforcing violations of its rules.

## § 1050.1 Authorization and purpose

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(a) The provisions of *sections 1203-a(3) and 1204 (5-a) of the Public Authorities Law* provide the New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority with the power to make rules governing the conduct and safety of the public in the use and operation of the transit facilities of those authorities.

(b) These rules are established by the New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority to promote safety, to facilitate the proper use of the transit facilities of the authorities, to protect those transit facilities and their passengers, and to assure the payment of fares and other lawful charges for the use of their systems.

(c) These rules may be amended or added to, from time to time, at the sole discretion of the New York City Transit Authority or Manhattan and Bronx Surface Transit Operating Authority in accordance with law.

## § 1050.2 Definitions

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The following terms as used in these rules shall have the following meanings:

(a) Authority means collectively the New York City Transit Authority and its subsidiary, Manhattan and Bronx Surface Transit Operating Authority, public benefit corporations of the State of New York, except if the context in which the word authority is used indicates that it is either (but not both) New York City Transit Authority or Manhattan and Bronx Surface Transit Operating Authority to which reference is being made.

(b) 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, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices and other real estate or personalty used or held for or incidental to the operation, rehabilitation or improvement of any rapid transit railroad or omnibus line of the authority.

(c) "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.

(d) Sound production device includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, compact disc player, speaker device or system, and any sound amplifier or any sound-producing device of similar nature.

(e) Conveyance includes any subway or rapid transit car or train, locomotive, omnibus or other vehicle previously used or held for use by the authority as a means of transportation of passengers.

(f) Rules means these rules.

(g) Person means any individual, firm, partnership, corporation, association or company.

(h) Fare means the lawful charges established by the authority for the use of its facilities.

(i) Fare media means the various instruments issued by or on behalf of the authority to use for the payment of fare, including, but not limited to, farecards, passes, transfers, tickets, and vouchers.

(j) Farecards include, but are not limited to:

(1) value-based, magnetically encoded cards (frequently referred to as pay-per-ride MetroCards) containing stored monetary value from which a specified amount of value is deducted as payment of a fare; and

(2) time-based, magnetically encoded cards (frequently referred to as unlimited ride MetroCards) which permit entrance into facilities and conveyances for a specified period of time.

(k) Payment of the fare includes the use at a fare collection device of a time-based farecard for purposes of gaining lawful entry into a facility or conveyance.

(l) "Paid fare zone" means the area beyond the point at which a fare is required on a conveyance or within a facility.

(m) "MTA" means the Metropolitan Transportation Authority and its subsidiaries and affiliates.

(n) "Police officer" means any person so designated pursuant to New York Criminal Procedure Law, section 1.20 who, pursuant to their authority, has jurisdiction within the facilities or conveyances of the authority 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).

## **§ 1050.3 Construction**

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

(a) The authority reserves the right from time to time to suspend, modify or revoke the application of any or all of the rules as it deems necessary or desirable.

(b) Any act otherwise prohibited by any of the rules is lawful if specifically authorized by agreement, permit, license, or other writing duly signed by an authorized officer of the authority or the MTA or if performed by an officer, employee or designated agent of the authority or the MTA acting within the scope of their employment or agency.

(c) 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 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 is\* 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 circumstances; the provisions of the rules are declared to be severable.

(e) The singular shall mean and include the plural.

## **§ 1050.4 Payment of fare and access to authority facilities**

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(a) No person shall use or enter upon the facilities or conveyances of the authority, for any purpose, without the payment of the fare or tender of other valid fare media used in accordance with any conditions and restrictions imposed by the authority. For the purposes of this section, it shall be considered an entrance into a facility or conveyance whenever a person passes through a point at which a fare is required or collected. No person shall, for purposes of gaining entry into a facility, proceed over or under any turnstile or otherwise proceed in any other unauthorized manner through an exit gate or through or past any other point at which a fare is required or collected and it shall be no defense to a charge of a violation of this subdivision that fare media, a fare media sales device or a fare collection device was malfunctioning.

(b) (Reserved)

(c) Except for employees of the authority or the MTA acting within the scope of their employment or other expressly authorized agents of the authority or the MTA, no person shall sell, provide, copy, reproduce or

produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

**(d)** No person shall put or attempt to put any paper, article, instrument or item, other than fare media issued by the authority and valid for the place, time and manner in which used, into any farebox, turnstile, pass reader or other fare collection instrument, receptacle, device, machine or location.

**(e)** Fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with the rules shall be confiscated.

## **§ 1050.5 Property and equipment**

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**(a)** No person shall destroy, mark, soil or paint, or draw, inscribe, write, spray paint or place graffiti upon, or remove, injure or tamper with any facility, conveyance, sign, advertisement, notice or other property of the authority, or attempt to commit any of the aforementioned acts, except that this subdivision shall not apply to any work within the scope of any contract made by or on behalf of the authority.

**(b)** No person shall post, distribute or display any sign, poster, notice, advertisement or other printed or written matter in or on any facility or conveyance without the permission of the authority, except as otherwise provided by law.

**(c)** Except as an incident to travel on authority facilities for which a fare has been paid or which has otherwise been duly authorized by the authority, no conveyance or facility may be occupied, used or handled, except by permit, agreement, license or other authorization of the authority duly made.

## **§ 1050.6 Use of the transit system**

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**(a)** No person may perform any act which interferes with or may tend to interfere with the provision of transit service, obstructs or may tend to obstruct the flow of traffic on facilities or conveyances, or interferes with or may tend to interfere with the safe and efficient operation of the facilities or conveyances of the authority.

**(b)** No person, unless duly authorized by the authority shall engage in any commercial activity upon any facility or conveyance. Commercial activities include:

**(1)** the advertising, display, sale, lease, offer for sale or lease, or distribution of food, goods, services or entertainment (including the free distribution of promotional goods or materials); and

**(2)** the solicitation of money or payment for food, goods, services or entertainment. No person shall panhandle or beg upon any facility or conveyance.

**(c)** Except as expressly permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation, and include remaining in the paid fare zone of a particular subway station for more than one hour. The following nontransit uses are permitted by the authority, provided they do not impede transit activities and they are conducted in accordance with these rules: public speaking; campaigning; leafletting or distribution of written noncommercial materials; activities intended to encourage and facilitate voter registration; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that: (1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision; (2) are duly registered as charitable organizations with the Attorney General of New York under section 172 of the New York Executive Law or any successor provision; or,

(3) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

**(1)** Permitted nontransit uses may be conducted in the transit system except:

**(i)** when on or within: a subway car; an omnibus; or, any area not generally open to the public;

**(ii)** within a distance of 25 feet of a station booth, or a fare media sales device including but not limited to a fare media vending machine; or,

**(iii)** within a distance of 50 feet from the marked entrance to an authority office or tower,

**(iv)** the following activities are not subject to the minimum distance requirements as set forth in subparagraphs (ii) and (iii) of this paragraph: public speaking; leafletting or distribution of written noncommercial materials; campaigning; and, activities intended to encourage and facilitate voter registration, provided, that with respect to any of the activities described in this subparagraph, no sound production device is used and no physical obstruction, such as a table or other object, is present within a distance of 25 feet of a station booth or fare media sales device, or 50 feet from the marked entrance to an authority office or tower.

**(2)** Notwithstanding any other provision of this section, any activity in a location which interferes with the access onto or off of an escalator, stairway or elevator, or otherwise interferes with or impedes transit services or the movement of passengers is prohibited.

**(3)** No activity permitted by the authorization contained in this section shall be conducted on a subway platform where construction, renovation or maintenance work is underway on or near the platform, or on or near the staircases, escalators, or elevators leading to such platform and including any such work in or near track areas.

**(4)** No activity is permitted which creates excessive noise or which emits noise that interferes with transit operations. The emission of any sound in excess of 85 dBA on the A weighted scale measured at five feet from the source of the sound or 70 dBA measured at two feet from a station booth is excessive noise and is prohibited. Notwithstanding any other provision of this section, the use on subway platforms of amplification devices of any kind, electronic or otherwise, is prohibited.

**(5)** No person shall use media devices such as films, slides or video-tapes.

**(6)** Where an activity permitted by the authorization contained in this section includes the use of a sound production device, no person shall begin or continue the use of such sound production device during any announcement made over the public address system or by a police officer or by an authority or MTA employee.

**(7)** No person shall misrepresent through words, signs, leaflets, attire or otherwise such person's affiliation with or lack of affiliation with or support by any organization, group, entity or cause, including any affiliation with or support by the authority or the Metropolitan Transportation Authority or any of their programs, such as Music Under New York or Arts for Transit.

**(8)** Any person using the transit system for nontransit activities permitted pursuant to this rule does so at their own risk, and the authority assumes no liability by the grant of this authorization.

**(d)** All persons on or in any facility or conveyance of the authority shall:

**(1)** comply with all lawful orders and directives of any police officer, peace officer or any employee of the authority or the MTA acting within the scope of their employment,

**(2)** obey any instructions on notices or signs duly posted on any authority facility or conveyance; and

**(3)** provide accurate, complete and true information or documents requested by police officers or by personnel of the authority or the MTA acting within the scope of their employment and otherwise in accordance with law. A farecard issued according to specified eligibility criteria that entitles the lawful holder thereof to a reduced fare or free transportation must have the name of the eligible holder clearly visible on the card and any person holding such farecard must comply with a request of authority or MTA personnel or a police officer to physically inspect such farecard.

**(e)** No persons shall refuse or fail to relinquish a seat on a conveyance which has been designated as "PRIORITY SEATING," "WHEELCHAIR PRIORITY SEATING" or words of similar import, if requested to do so by or on behalf of a person with a disability, or occupying any location on a conveyance designated for use by persons using wheelchairs if such location is required to accommodate a person using a wheelchair. Further, passengers aboard buses equipped with wheelchair lift devices shall not conduct themselves in a manner which will impede the operation of such lifts, impede the securing of wheelchairs in the tie-down devices located on such buses or impede the exit of such passengers using wheelchairs.

**(f)** No person shall bring or carry onto a conveyance any liquid in an open container.

**(g)** No person shall falsely represent themselves as an agent, employee or representative of the authority or the MTA or falsely represent themselves as a police officer.

**(h)** During a disaster emergency relating to public health declared by the Governor of the State of New York, no person who is on a subway car shall remain on such car, train, or in the station after the subway car has entered a terminal station and the authority has announced that the train is being taken out of service and instructed passengers to leave the train.

## **§ 1050.7 Disorderly conduct**

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No person on or in any facility or conveyance shall:

**(a)** litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, defecating, or urinating, except in facilities provided). Trash and other waste materials contained in waste receptacles shall not be removed, except by persons duly authorized by the authority;

**(b)** smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch or use an electronic cigarette ("vaping");

**(c)** sleep or doze where such activity may be hazardous to such person or to others or may interfere with the operation of the authority's transit system or the comfort of its passengers;

**(d)** engage in any form of gambling, except as specifically authorized as, for example, at OTB parlors;

**(e)** create any sound through the use of any sound production device, except as authorized by section 1050.6(c) of this Part. Use of radios and other devices listened to solely by headphones or earphones and inaudible to others is permitted;

**(f)** throw, drop or cause to be propelled any stone, projectile or other article at, from, upon, in or on a facility or conveyance;

**(g)** drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage;

**(h)** enter or remain in any facility or conveyance while their ability to function safely in the environment of the transit system is impaired by the consumption of alcohol or by the taking of any drugs;

**(i)** conduct themselves in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

**(j)** (1) occupy more than one seat on a station, platform or conveyance when to do so would interfere or tend to interfere with the operation of the transit system or the comfort of other passengers; (2) place their foot on a seat on a station, platform or conveyance; (3) lie on the floor, platform, stairway, elevator, escalator, landing or conveyance; or (4) otherwise interfere with or impede the movement of passengers or personnel of the authority or the MTA in a station or on a stairway, elevator, escalator, platform or conveyance;

**(k)** commit any act which causes or may tend to cause harm to oneself or to any other person including, but not limited to:

1. riding a bicycle or straddling a bicycle while it is in motion, or riding a scooter, or any other self-propelled vehicle or any motor-propelled vehicle;
2. wearing roller skates or in-line skates; or
3. riding or otherwise standing on a skateboard.
4. Paragraph one of this subdivision does not apply to the proper use of self-propelled or motor propelled wheelchairs or similar assistive devices by a person requiring the use of such device due to a disability.

## **§ 1050.8 Weapons and other dangerous instruments**

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**(a)**No weapon, dangerous instrument, or any other item intended for use as a weapon may be carried in or on any facility or conveyance. This provision does not apply to law enforcement personnel and persons to whom a license for such weapon has been duly issued and is in force (provided in the latter case the weapon is concealed from view). For the purposes hereof, a weapon or dangerous instrument shall include, but not be limited to, a firearm, switchblade knife, boxcutter, straight razor or razor blades that are not wrapped or enclosed in a protective covering, gravity knife, sword, shotgun or rifle.

**(b)**No explosives or other highly combustible materials, or radioactive materials, may be carried on or in any facility or conveyance, except as authorized by the authority.

**(c)**Subject to other provisions of the law, this section shall not apply to a rifle or shotgun which is unloaded and carried in an enclosed case, box or other container which completely conceals the item from view and identification as a weapon.

## **§ 1050.9 Restricted areas and activities**

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**(a)** No person, except as specifically authorized by the authority, shall enter or attempt to enter into any area not open to the public, including but not limited to train operator's cabs, conductor's cabs, bus operator's seat location, station booths, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, catwalks, emergency stairways (except in cases of an emergency), tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment.

**(b)** No vehicle, except as specifically authorized, may be parked on authority property.

**(c)** Photography, filming or video recording in any facility or conveyance is permitted except that ancillary equipment such as lights, reflectors or tripods may not be used. Members of the press holding valid identification issued by the New York City Police Department are hereby authorized to use necessary ancillary equipment. All photographic activity must be conducted in accordance with the provisions of this Part.

**(d)** No person may ride on the roof, platform between subway cars or on any other area outside any subway car or bus or other conveyance operated by the authority. No person may use the end doors of a subway car to pass from one subway car to another except in an emergency or when directed to do so by an authority conductor or a police officer.

**(e)** No person shall extend their hand, arm, leg, head or other part of their person, or extend any item, article or other substance outside of the window or door of a subway car, bus or other conveyance operated by the authority.

**(f)** No person shall enter or leave a subway car, bus or other conveyance operated by the authority except through the entrances and exits provided for that purpose.



(g) No person may carry on or bring to any facility or conveyance any wheeled cart greater than thirty inches in either length or width, including but not limited to shopping or grocery store carts or baskets, but excluding any stroller which is, at the time it is on or in the facility or conveyance, being utilized for children; or any item that:

- (1) is so long as to extend outside the window or door of a subway car, bus or other conveyance;
- (2) constitutes a hazard to the operation of the Authority, interferes with passenger traffic, or impedes service; or
- (3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

- (h)
- (1) Except as otherwise provided in paragraph (2) of this subdivision, no person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.
  - (2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals, or to animals which are being trained as service animals and are accompanying persons with disabilities, or to animals which are being trained as service animals by a professional trainer. All service animals and animals being trained as service animals must be harnessed or leashed.
  - (3) Upon request by a police officer or designated employee of the authority or the MTA, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or an animal being trained as a service animal.

## **§ 1050.10 Fines and penalties**

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Pursuant to section 1204(5-a) of the Public Authorities Law, any person committing one or more violations of these rules shall be subject to either:

- (a) criminal prosecution in the criminal court of the City of New York, which court may impose a fine not to exceed \$ 25 or a term of imprisonment for not longer than 10 days, or both; or
- (b) civil penalties imposed by the transit adjudication bureau in an amount not to exceed \$ 100 per violation (exclusive of interest or costs assessed thereon).
  - (1) The schedule of such civil penalties will be set forth in an internal procedure manual of the transit adjudication bureau and may be revised from time to time, including provisions for repeat offenses.
  - (2) In addition to a civil penalty for one or more violations of these rules, an additional penalty, not to exceed \$ 50, may be imposed upon the failure of a respondent in any proceeding commenced with respect to any such violation to make a timely response to or appearance in connection with a notice of violation or order issued by the authority in such proceeding.

## **§ 1050.11 Ejectment**

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Any person who is observed by a police officer to be violating any of these rules and who may receive or has received a notice of violation therefore is subject to ejectment from the facilities

## **§ 1050.12 Persons authorized to issue notices of violation**

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Any police officer or other person(s) designated by the president of the authority shall be empowered to issue a notice of violation for violation of any of these rules.

## **§ 1050.13 Public notice of the provisions of New York Penal Law § 165.16 (as added by Chapter 57 of the Laws of 2005)**

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

### **§ 165.16 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.