

PART 1050**RULES GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC IN
THE USE OF THE FACILITIES OF NEW YORK CITY TRANSIT
AUTHORITY AND MANHATTAN AND BRONX SURFACE TRANSIT
OPERATING AUTHORITY**

(Statutory authority: Public Authorities Law, §§1203-a, 1204-a, 1205-a, 1209-a)

Sec.

1050.1	Authorization and purpose
1050.2	Definitions
1050.3	Construction
1050.4	Payment of fare and access to authority facilities
1050.5	Property and equipment
1050.6	Use of transit system
1050.7	Disorderly conduct
1050.8	Weapons and other dangerous instruments
1050.9	Restricted areas and activities
1050.10	Fines and penalties
1050.11	Ejectment
1050.12	Persons authorized to issue notices of violation

Historical Note

Part (§§1050.1-1050.2) added by renum. Part 700, filed Aug. 28, 1974; repealed, new (§§1050.1-1050.12) filed May 24, 1985 eff. June 14, 1985.

§ 1050.1 Authorization and purpose.

(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.

Historical Note

Sec. added by renum. 700.1, filed May 28, 1974; repealed, new filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994. Amended (a).

§ 1050.2 Definitions.

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) [*Reserved*]

(d) *Sound production device* includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device or system and any sound amplifier.

(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, copartnership, 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, tokens, passes, farecards, transfers, tickets, and vouchers.

Historical Note

Sec. added by renum. 700.2, filed Aug. 28, 1974; repealed, new filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.3 Construction.

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 if performed by an officer, employee or designated agent of the authority acting within the scope of his or her 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 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 circumstances; the provisions of the rules are declared to be severable.

(e) The singular shall mean and include the plural; the masculine gender shall mean the feminine and the neuter genders; and vice versa.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.4 Payment of fare and access to authority facilities.

(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.

(b) [*Reserved*]

(c) Except for employees of the authority acting within the scope of their employment, 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.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.5 Property and equipment.

(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 or notice of the authority, except that this provision 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.

Historical Note

Sec. filed May 24, 1985 eff. June 14, 1985.

§ 1050.6 Use of the transit system.

(a) No person may vandalize or attempt to vandalize any facility or conveyance, or perform any act which causes or may tend to cause damage to any facility or conveyance, interfere with the provision of transit service or obstruct the flow of traffic on facilities or conveyances or which would in any way interfere or 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 authorized and 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. The following nontransit uses are authorized and permitted by the authority, provided they do not impede transit activities and they are conducted in accordance with the rules governing the conduct and safety of the public in the use of the facilities of New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority: public speaking; distribution of written noncommercial materials; 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, or (2) are duly registered as charitable organizations with the Secretary of State 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 when on or within: a subway car; an omnibus; any area not generally open to the public; 25 feet of a token booth; or 50 feet from the marked entrance to an authority office or tower. The following activities are not subject to the distance requirements from a token booth or authority office or tower: leafletting or distribution of literature, campaigning, public speaking or similar activities, provided that no sound production device is used and no physical obstruction, such as a table or other object, is present.

(2) In no event will an activity be permitted 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.

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

(4) No activity may be 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 token booth is excessive noise and is prohibited. In no event will the use of amplification devices of any kind, electronic or otherwise, be permitted on subway platforms.

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

(6) No person shall conduct or continue to conduct an activity permitted by this authorization which includes the use of a sound production device during any announcement made over the public address system or by a transit police officer or by an authority 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 his or her 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 transit police officer or other authority employee acting within the scope of his or her 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 transit police officers or other authority personnel acting within the scope of their employment and otherwise in accordance with law.

(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 himself or herself as an agent, employee or representative of the authority or falsely represent himself or herself as a member of the Transit Police Department.

Historical Note

Sec. filed May 24, 1985; amd. filed: Sept. 18, 1989; Dec. 29, 1989 as emergency measure; March 26, 1990 as emergency measure; May 21, 1990 as emergency measure; July 3, 1990; Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.7 Disorderly conduct.

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, 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, except in those areas or locations specifically designated by the authority as authorized for smoking;

(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, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(h) enter or remain in any facility or conveyance while his or her ability to function safely in the environment of an authority transit system is impaired by the consumption of alcohol or by the taking of any drug;

(i) conduct himself or herself 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) occupy more than one seat on a station, platform or conveyance; lie on the floor, platform, stairway, landing or conveyance; or block free movement on a station, stairway, platform or conveyance; or

(k) commit any act which causes or may tend to cause harm to oneself to any other person including, but not limited to riding a bicycle, skateboard, roller skates, in-line skates or any self-propelled or motor-propelled vehicle. This provision does not apply to the proper use of self-propelled or motor-propelled wheelchairs or similar devices by a nonambulatory individual.

Historical Note

Sec. filed: May 24, 1985; March 26, 1990 as emergency measure; May 21, 1990 as emergency measure; July 3, 1990; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.8 Weapons and other dangerous instruments.

(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.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994 Amended (a).

§ 1050.9 Restricted areas and activities.

(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, token booths, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, 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.

(e) No person shall extend his hand, arm, leg, head or other part of his or her 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 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; and

(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) 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 which have been trained or are being trained to aid or guide a person with a disability and are accompanying persons with disabilities, or to service animals which are being trained by a professional trainer. All service animals must be harnessed or leashed.

(3) Upon request by a law enforcement officer or other designated employee of the authority, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or a service animal in training. Upon request of designated authority personnel, a passenger must display a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York

or elsewhere authorized to issue such licenses, or an identification from a professional training school that the animal is a trained service animal.

(4) Persons with disabilities who use service animals who do not have a service animal license or other proof that the animal is professionally trained as described in this subdivision may apply to the Metropolitan Transportation Authority on behalf of the authority for a service animal identification card.

(5) Designated authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal which posed a direct threat to the safety of other passengers.

Historical Note

Sec. filed May 24, 1985; amds. filed: March 31, 1993; Sept. 26, 1994 eff. Oct. 12, 1994.
Amended (a), (d), (h).

§ 1050.10 Fines and penalties.

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.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.11 Ejection.

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

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.12 Persons authorized to issue notices of violation.

(a) Any transit police officer, New York City 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.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.