

# Staten Island Railway

## 21 NYCRR 1040.1

N.Y. Comp. Codes R. & Regs. tit. 21, 1040.1

**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 1040. RULES GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC IN THE USE  
OF THE FACILITIES OF THE STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY  
Text is current through March 31, 2008.**

### **S Section 1040.1 Authorization and purpose.**

(a) Staten Island Rapid Transit Operating Authority ("SIRTOA") is a public benefit corporation and an independent subsidiary of the Metropolitan Transportation Authority ("MTA") created pursuant to Public Authorities Law, section 1266(5). As such, SIRTOA 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), 1265(14), 1266(4) and 1266(8).

(b) These rules are established by SIRTOA to promote safety, to facilitate the proper use of SIRTOA 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 SIRTOA and in accordance with law.

### **Section 1040.2 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 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. 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.

(c) Controlled substance means those substances designated as controlled substances by the New York State Penal Law.

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

(e) Excessive 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, or which interfere with transit operations, but does not include conversational speech or sounds incident to walking or normal movement. 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 is excessive noise and is prohibited. The term excessive 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.

(f) Facilities means the terminals and stations owned or operated by SIRTOA 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, other real estate or personally owned, operated, used, held or leased by SIRTOA for or incidental to the operation, rehabilitation or improvement of railroad operations.

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

(h) General manager means the individual or individuals designated by SIRTOA with overall supervisory responsibility for the SIRTOA facilities, or his designee.

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

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

(k) Police officer refers to any member of the SIRTOA police 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.

(l) Service animal means a guide dog, signal dog, or other animal individually trained to perform tasks for the benefit of a person with a 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 or providing rescue assistance. The term service animal does not include a therapy animal or animal used for emotional support.

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

(n) Terminals and stations mean all terminals and stations owned and operated by SIRTOA 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.

(o) Trains means all trains operated by SIRTOA.

### **Section 1040.3 Construction.**

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

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

(b) 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 SIRTOA, provided that such act is otherwise in compliance with any other applicable laws, rules and regulations. Any act otherwise prohibited by these rules is lawful if performed by an officer, employee or designated agent of SIRTOA acting within the scope of his employment or agency.

(c) The rules shall not apply to a SIRTOA 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 rules, laws and SIRTOA disciplinary procedures.

(d) These 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.

(e) 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.

(f) The singular shall mean and include the plural; the masculine gender shall mean and include the feminine, and vice versa.

### **Section 1040.4 General provisions.**

(a) Public areas within the terminals and stations are open to the public at such times as may be established by SIRTOA 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, terminals and stations, in traveling through the terminals and 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 persons except persons assigned to duty therein by SIRTOA 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 SIRTOA or the authority.

(c) No person, unless duly authorized by SIRTOA, shall engage in any commercial activity upon any facility or train. No person shall panhandle or beg upon any facility or train.

(d) Emergency closure. Whenever a threat to public health or safety exists in a terminal or station resulting from any cause, the general manager or any SIRTOA 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.

(e) 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 activities are authorized and permitted by SIRTOA, 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 Staten Island Rapid 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;

(2) are duly registered as charitable organizations with the Attorney General of the 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. The aforementioned nontransit uses within the stations and terminals are deemed to be authorized provided that such activities:

(i) do not impede or interfere with or impair transportation services or the movement of persons within a station or terminal;

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

(iii) do not take place on trains.

(f) Photography, filming or video recording in any facility or train 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 these rules.

#### **Section 1040.5 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; occupy more than one seat when to do so would interfere with the operation of SIRTOA's transportation system or the comfort of other passengers; or place his or her foot on any seat;

- (b) create any sound through the use of any sound production device, except as is specifically authorized by these rules. In no event will the use of amplification devices of any kind, electronic or otherwise, be permitted on a platform. Use of radios and other devices listened to solely by headphones or earphones and inaudible to others is permitted;
- (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) bring into a facility or carry onto a train liquid in an open container, or drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage;
- (e) consume any controlled substance except pursuant to valid prescription;
- (f) enter or remain in any facility 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 drug;
- (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) ride or otherwise stand on a skateboard, wear roller skates or in-line skates, ride or straddle a bicycle while in motion, or ride a 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. This provision does not apply to the proper use of self-propelled or motor-propelled vehicles or similar devices by nonambulatory persons;
- (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 SIRTOA 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 SIRTOA or the authority;
- (n) offer to or agree to carry baggage or hire and/or flag taxicabs or car services except pursuant to the terms of a lease, license, operating agreement or concession granted by SIRTOA or the authority;
- (o) burn a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco or any tobacco substitute;
- (p) engage in any activity which interferes with the commercial activities of leases, tenants or their customers;
- (q) engage in noncommercial activities, except as expressly permitted by these rules;

(r) 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 SIRTOA or the authority or the New York City Transit Authority or any of their programs, such as Music Under New York or Arts for Transit;

(s) carry on or bring to any facility or train any item that:

(1) is so long as to extend outside the window or door of a train;

(2) constitutes a hazard to the operation of SIRTOA, 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;

(t) bring a bicycle into a facility or train on weekdays between the hours of 5:00 a.m. to 10:00 a.m., and between 4:00 p.m. and 8:00 p.m., or at any other time when in the judgment of a SIRTOA conductor, passenger traffic exceeds available seating. The prohibition against bringing a bicycle into a train between 4:00 p.m. and 8:00 p.m. only applies to trains travelling in the eastbound (towards Tottenville) direction;

(u) ride on the roof, platform between trains or any other area outside the train;

(v) use the end doors of a train car to pass from one train car to another except in an emergency or when directed to do so by a police officer or SIRTOA train conductor;

(w) 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 occupy any location on a conveyance designated for persons using wheelchairs if such location is required to accommodate a person using a wheelchair; and

(x) 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.

#### **Section 1040.6 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 SIRTOA 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 to do so.

#### **Section 1040.7 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 rest room, sink, washroom, or any other area within a terminal, station or train.

#### **Section 1040.8 Animals barred from terminal.**

- (a) No person, except as otherwise provided in subdivision (b) of this section, 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.
- (b) Subdivision (a) of this section 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.
- (c) Upon request by a police officer or other designated employee of the SIRTOA or the authority, a trainer must display proof of affiliation with professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. Upon request of a police officer or designated SIRTOA or authority personnel, a passenger must provide evidence that an animal claimed to be a service animal and thus exempt from the provisions of subdivision (a) of this section qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the New York City Department of Health, New York State Department of Agriculture and Markets or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability.
- (d) As an alternative to any of the methods described in subdivision (c) of this section for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the authority for a service animal identification card.
- (e) Police officers or designated SIRTOA or authority personnel have the right to refuse admission to or

eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.

#### **Section 1040.9 Firearms or other weapons.**

No weapon, dangerous instrument, or any other item intended for use as a weapon may be carried in or on any facility or train. 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, gravity knife, boxcutter, straight razor or razorblades that are not wrapped or enclosed in a protective covering, sword, shotgun or rifle.

#### **Section 1040.10 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 all oil, gas, petroleum products, paint or varnish.

#### **Section 1040.11 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 intercommunications 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 SIRTTOA employee

#### **Section 1040.12 Enforcement.**

(a) Any person violating any of these rules may receive a summons 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.

**Section 1040.13 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.