



NYCLU

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BY FACSIMILE AND FIRST CLASS MAIL

March 16, 2006

Catherine Rinaldi
General Counsel
Metropolitan Transportation Authority
347 Madison Avenue
New York, N.Y. 10017

Re: Long Island Railroad Photography

Dear Cathy:

I write to follow up on our conversation yesterday. First, I enclose copies of the e-mails I mentioned, which I understand came from the LIRR's public-affairs office and which I believe reflect not only the understanding of that office but also of the MTA's main press office. We therefore believe that a directive addressing this situation needs to be sent not only to LIRR police officers but to all MTA personnel who may have dealings with photographers.

With respect to the directive the MTA has agreed to issue, I want to reiterate two points we discussed yesterday. First, the directive needs to make clear not only that there is no photography ban but also that (with the narrow exception for certain forms of commercial photography) there is no requirement for a permit, no requirement for advance notice to the MTA, and no requirement for insurance. Second, given the widespread misunderstanding among MTA personnel, given the various details that need to be addressed, and given the gravity (and potential legal liability) of an MTA officer threatening or arresting a photographer, we believe it is in everyone's interest for the directive to be in writing and to be widely distributed. In our experience, oral directives in these types of circumstances are not nearly as effective and invariably result in further problems.

We appreciate the MTA's willingness to address this situation promptly. I ask that you inform me of the particulars of any directive that will be issued and further that you provide us with a copy of any written directive that is issued.

Sincerely,

Christopher Dunn

Response (Mike Charles) - 02/14/2006 12:23 PM

Thank you for your e-mail. The MTA website reference concerns photography on New York City Transit property. The LIRR requests that you contact the LIRR Public Affairs Department at 718-558-8228 informing a department representative of your interest in taking photos of LIRR property. You will be asked to send a formal request by mail stating your intentions and whether this is for your own use or for commercial purposes. For both safety and security purposes liability insurance coverage is also usually required while on LIRR property. We appreciate your interest.

"Response (Mike Charles) - 02/23/2006 12:01 PM

Thank you for your e-mail. The LIRR requires that you contact the Public Affairs Department so proper notification can be given before you photograph on LIRR property. We appreciate your cooperation."

Response (Mike Charles) - 03/03/2006 10:55 AM

Thank you for your e-mail. All photo requests, commercial or non-commercial must be in the form of a letter sent via regular US mail to the LIRR Public Affairs Department, Jamaica Station, Jamaica, NY 11435. All requests must include proposed date, time, location and purpose of photos. We reserve the right to limit accessible locations for photography due to safety, security and privacy concerns.

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Catherine A. Rinaldi
Deputy Executive Director
General Counsel



Metropolitan Transportation Authority

State of New York

March 17, 2006

Christopher Dunn
Associate Legal Director
NYCLU
125 Broad Street
New York, New York 10004

Re: Commuter Rail Photography

Dear Chris:

Following up on your letter yesterday and our conversations earlier this week, I enclose a memo from Chief McConville to his command staff reiterating that there is no ban on photography on the commuter rail system and that officers should be concerned only if individuals are trespassing on property not otherwise open to the public or are endangering themselves or others.

In addition, I spoke to Brian Dolan at the LIRR about the e-mail correspondence that you sent me from Mike Charles and also sent Brian the correspondence. Mike works for Brian, and Brian has instructed Mike that there are no permit or insurance requirements for ordinary photography in the LIRR system.

I am hopeful that these steps will resolve any misunderstanding that may exist regarding the issue of photography in the commuter rail system. As I indicated the other day, however, please feel free to contact me directly if you get any indication that this continues to be a problem in the commuter rail system.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Rinaldi".

Catherine A. Rinaldi
Deputy Executive Director/General Counsel

cc.: Katherine N. Lapp
Chief Kevin McConville
Brian Dolan/LIRR

The agencies of the MTA, Peter S. Kalikow, Chairman

MTA New York City Transit
MTA Long Island Rail Road

MTA Long Island Bus
MTA Metro-North Railroad

MTA Bridges and Tunnels
MTA Capital Construction

Memorandum




Metropolitan Transportation Authority

State of New York

Date March 16, 2006

To Command Staff

From Kevin J. McConville, Chief of Department 

Re **Photography**

There are no rules prohibiting the photography of Long Island, Metro-North or Staten Island trains and/or stations. Members should only be concerned if the subject(s) taking photographs are trespassing on railroad property not otherwise open to the public or are endangering either themselves or others by their actions (e.g., stepping onto active railroad tracks).

Accordingly, please remind Members of your Commands that there is no ban in effect relating to the photography of the railroads.

cc: William A. Morange, Deputy Director of Security