



REGULATIONS GOVERNING EXERCISE OF FIRST AMENDMENT ACTIVITIES ON AMTRAK PROPERTY

Introduction.

National Railroad Passenger Corporation (“**Amtrak**”) permits First Amendment Activity on property owned or controlled by Amtrak (“**Amtrak Property**”) to the extent that those activities are not incompatible with Amtrak’s mission to safely operate a national passenger rail system, and to do so with optimum service to the public, as well as with the best economy of operation possible.

No expressive or First Amendment activities may be conducted on Amtrak Property unless a permit has been obtained, as outlined below.

The purpose of the permit process is to ensure that the compelling governmental interests of Amtrak are considered.

These interests include, but are not necessarily limited to:

Amtrak’s interest in protecting the physical safety of the public, its passengers, its employees, and other persons authorized to be present on Amtrak property.

Amtrak’s interest in ensuring that its passengers’ needs to safely and efficiently utilize its railroad transportation system are met.

Amtrak’s interest in ensuring that all applicable requirements of homeland security are met;

Amtrak’s interest in accommodating passengers with disabilities, complying with the law in this respect, and in meeting the special needs of minors, the elderly, the infirm, and others with particular needs, in using its railroad transportation system.

Amtrak’s interest in minimizing extraneous station noise levels so that passengers and Amtrak or other transit personnel may hear public address system and train-initiated announcements of train arrival and departure times, track, berth and platform locations, door closing alerts, schedule changes, emergency announcements and security alerts;

Amtrak’s interest in preventing obstructions to passengers’ and employees’ line of view of overhead or eye-level electronic train information monitors and in preserving unobstructed access by passengers and employees to transit schedule desks, informational signing, security and fire alarms, and emergency equipment.

Amtrak’s interest in preserving unobstructed, unimpeded and orderly flow of pedestrian traffic throughout its stations, particularly in and around narrow corridors, passageways, exits and entrances, doorways, ramps, stairways, escalators, elevators, offices, lavatories, and stores;

Amtrak’s interest in minimizing the annoyance, invasion of rights, or perceived risk to personal security of its passengers, both in its stations and in its trains, where passengers represent a captive audience, and are unable to avoid unwanted communication or contact with strangers without forfeiting their fare or their position in ticket purchase or other waiting lines.

Amtrak's interest in preventing undue apprehension by its passengers of the risk of theft or assault in areas where passengers are engaged in cash or credit transactions, including ATM machines, ticket dispensing machines, ticket windows, and in other areas such as train platforms, paid areas and remote, isolated corridors and passageways;

Amtrak's interest in protecting the contractual rights of its tenants and concessionaires;

Amtrak's interest in complying with applicable building codes, fire codes, noise and air quality environmental standards, and other laws and regulations;

Amtrak's interest in eliminating and/or minimizing liability to itself and others resulting from the activities of others on Amtrak property;

Amtrak's interest in maintaining clean stations and rights-of-way free of litter, trash, and debris; and

Amtrak's interest in implementing rules which entail minimum public cost of enforcement and control.

Definitions.

1. "First Amendment Activity" is defined as the non-commercial dissemination of literature or information, by engaging in individual or group conversations or by displaying placards, signs, or symbols concerning religious, political or other views, to the extent that such activities are protected by the First Amendment of the United States Constitution. First Amendment Activities shall include solicitation and acceptance of donations or contributions while disseminating information, subject to Paragraph 2 of this section, and the solicitation and acceptance of signatures.
2. "First Amendment Activity" does not include begging, panhandling, or the use of language or dissemination or display of materials that is or are obscene, indecent, depict graphically sexual or violent matters, or appear to contain statements that are libelous or defamatory, or are likely to incite violence or public disorder.

Application process.

1. All requesting individuals or organizations must submit a written application by completing Amtrak's Application and Release Form, which may be obtained from the Station Manager's office for the station where the activities are planned, or, in the absence of a Station Manager for a particular station, from the District Customer Service Manager for the district where the station is located. Addendum A to these Regulations contains the contact information for District Customer Service Managers.
2. Applicant must present photo identification along with the application. If Applicant is an organization, photo identification of the organization's requesting representative is required along with photo identification of all individuals planning to participate in First Amendment Activities on behalf of the organization. An Applicant planning to distribute or display written, graphic, or symbolic materials as part of its First Amendment Activity must submit a copy of such materials with the application.

3. Completed applications should be returned to the Station Manager or appropriate District Customer Service Manager.
4. Applications will be approved or denied within 48 hours of receipt by the appropriate office.
5. Once the application is approved, the Applicant must obtain a daily permit from the Station Manager's Office for each day for which First Amendment activity has been approved. Addendum A to these Regulations indicates the hours of operation of the office from which permits may be obtained at each particular station. Each person covered by an issued permit will be issued a badge, which must be worn at all times while engaging in First Amendment activities. If the application is approved by the District Customer Service Manager, sufficient permits for the number of persons participating on behalf of the Applicant for the number of days approved will be forwarded to the Applicant.
6. The Station Manager or District Customer Service Manager will assign to the Applicant the location within Amtrak property where the First Amendment activities will be permitted to take place. The number of participants allowed on behalf of an Applicant will be determined by the location assigned. If more than one Applicant applies to engage in First Amendment activities at a particular station on a particular date, then locations will be assigned in the order the applications are received, provided there are sufficient locations available. Addendum B to these Regulations indicates the locations available for First Amendment activities within particular stations, as well as the maximum number of participants allowed within each location. In no event may First Amendment activities take place on or in trains, platforms, or secure areas.
7. Amtrak reserves the right to deny an application in the following circumstances:
 - a) where criminal activity is suspected based on a history of past criminal activity or a suspicion of criminality to take place;
 - b) where a threat to the public safety exists;
 - c) where Applicant intends to distribute or display materials that are obscene, indecent, depict graphically sexual or violent, or appear to contain statements that are libelous or defamatory;
 - d) where Applicant intends to distribute materials that incite violence or public disorder;
 - e) where the statements made in support of the application do not appear to a reasonable person to be true;
 - f) where all available locations within a station are already assigned for the date or dates requested by the application;
 - g) where Amtrak believes that an emergency exists or extreme congestion is expected, such as transportation emergencies, extraordinary weather, holidays, power failures, acts of war, accidents, disasters, strikes, riots, fire, acts of God, or a condition or threatened condition of civil disorder.

Denial of Application.

If an application is denied, and Applicant believes that the denial violates Applicant's First Amendment rights, Applicant is advised that he/she/it may consult with an attorney at his/her/its own expense and/or, so desired, file suit in the United States District Court with jurisdiction over the location where the First Amendment activities were to take place. Applicants, however, are encouraged to first consult with the head of Police – Legal Services in Philadelphia, Pennsylvania, at (215) 349-3310, to attempt to resolve the issues without the necessity of litigation.

Deferral or Suspension of Permit.

The issuance of a permit may be deferred or an issued permit may be suspended at the discretion of the Amtrak Police in the event of emergencies, such as transportation emergencies, extraordinary weather, power failures, acts of war, accidents, disasters, strike, riot, fire, acts of God, or a condition or threatened condition of civil disorder. Upon the order of Amtrak Police, Applicant shall leave the area immediately with its materials if in the discretion of the Amtrak Police a condition or threatened condition of disorder arises or if anything arising from Applicant's activities contributes to a blockage of pedestrian traffic. First Amendment Activities may be resumed when Amtrak Police deem the condition to be cleared.

Governing Laws.

Applicant shall at all times comply with federal, state and local laws. Applicant is subject to all laws regarding fraud, assault, battery, theft and all other laws respecting conduct of individuals in public place, and shall not unlawfully interfere with pedestrians or with traffic flow on Amtrak Property.

Written, Graphic, or Symbolic Materials.

Written, graphic or symbolic materials may be made of heavy paper, cardboard or cloth, and may not exceed two feet by four feet in size. They may be exhibited no higher than 6 feet from the floor and may not be affixed to Amtrak Property.

Tables and Other Structures.

The use of tables or other structures is not permitted, unless specifically requested and approved in the permit process.

Distribution of Products.

No food, flowers, or any other organic product may be distributed.

No Weapons.

No weapons of any kind are permitted at any time on Amtrak property. Discovery of weapons in the possession of Applicant or any of its participants shall result in the immediate termination of Applicant's permit and expulsion from Amtrak property.

Disturbance/Noise/Distraction.

Applicant may not use any device for voice amplification or any musical instruments or other devices which tend to create a distraction or disturbance. While performing First Amendment Activity, Applicant shall not sing, dance or chant or make outcries except that singing, talking or chanting shall be permitted if done quietly and in a manner so as not to distract passengers and other persons. Applicant shall stay in the location assigned by its permit, and not wander or circulate through or in Amtrak Property while performing First Amendment Activity.

Persons Not to be Targeted.

Applicant shall not direct First Amendment Activities: a) to persons who are waiting in any ticket, information, baggage or boarding lines; or, b) to Amtrak employees or workers who are identified as such. This provision shall not apply when such workers or employees are not on duty. Applicant shall not engage in First Amendment activities: a) on Amtrak trains; or, b) within ten (10) feet of any entrance or exit, stairway, escalator, elevator, newsstand, restroom, office, store, business, restaurant, bar, or other concession area. Applicant will not distribute literature to or solicit donations from any person who does not wish to be solicited. Applicant, when soliciting funds, will advise passengers of the name of the group for which funds are solicited.

Disclaimer.

Amtrak reserves the right to advise the public of the presence of Applicant and Applicant's planned First Amendment Activities to the extent that it alerts the public to any traffic or safety concerns in or around the Station. By approving Applicant's application, Amtrak in no way endorses or supports the Applicant's cause or Applicant's position on any given issue and Amtrak may expressly disclaim responsibility or sponsorship to that effect.

Cooperation with Amtrak Police.

Applicant must at all times comply and cooperate with directives of Amtrak Station Police, including security inspections of persons and materials, and adherence to the Rules of Conduct for the particular station, as contained in Addendum C to these Regulations. If Applicant is a organization, Applicant must designate a local representative as its liaison with Amtrak Station Police

Removal of Litter.

At no time shall Applicant leave written, graphic, or symbolic materials unattended. Applicant shall, at all times, keep areas used by it in a clean, neat, and unlittered condition and shall remove all of their written materials from Amtrak's premises at the end of each daily session. Should litter caused by Applicant's written materials accumulate on the floor of the Station, Applicant will arrange to remove litter by virtue of Amtrak's agreements with its labor organizations. Applicant will be responsible for payment of the cost of such removal.

Revocation.

Failure to abide by the terms and conditions stated in these regulations will be grounds for revocation of an issued permit, and/or for removal of the Applicant from Amtrak Property.