

11.06.01.00

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 06 MARYLAND TRANSIT ADMINISTRATION

Chapter 01 Free Speech Activities on Maryland Transit Administration Premises

Authority: Transportation Article, §7-204(c), Annotated Code of Maryland

11.06.01.01

.01 Application.

These regulations apply to all persons engaging in free speech activities, as defined in this chapter, on MTA premises. These regulations are necessary to preserve the facilities of MTA for their dedicated purpose, to provide for the safe and efficient operation of the MTA system, and to provide guidance on the use of available MTA facilities for non-MTA purposes. In the event of any conflict between the provisions of this chapter and applicable federal laws and regulations, the provisions of the federal laws and regulations shall control to the extent of that conflict.

11.06.01.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Administration" means the Maryland Transit Administration of the Department of Transportation established pursuant to Transportation Article, §7-201, Annotated Code of Maryland.

(2) "Administrator" means the Maryland Transit Administrator, whose office is established pursuant to Transportation Article, §7-202, Annotated Code of Maryland, or the Administrator's designee.

(3) "Authorized" means acting under or pursuant to a written contract, permit, or other evidence of right issued by the MTA.

(4) "Bus" means a motor vehicle that is designed and used to carry people, is operated by the MTA on a fixed route and predetermined schedule, or is operated under contract to MTA by an authorized private carrier.

(5) "Commercial speech" means expression related solely to the economic interests of the speaker and its audience. Commercial speech does not include transactions related to any free speech activity as defined herein.

(6) "Department" means the Maryland Department of Transportation established pursuant to Transportation Article, §2-101, Annotated Code of Maryland.

(7) "Emergency" means those conditions or situations resulting from fire, flood, riot, unusual congested conditions, weather, labor strikes or walkouts, outages of power or public services, catastrophe, emergency security measures, or other causes determined by the Governor, the Secretary of the Maryland Department of Transportation, the Administrator, the MTA Chief of Police, or the MTA Manager of Safety and Risk Management to endanger the health, safety, or welfare of persons using MTA services or MTA employees on or upon MTA facilities and equipment, or the MTA facilities and equipment themselves.

(8) "Free area" means those portions of MTA facilities open to the general public during such time the facility is open to the general public, but does not include the portion of any area of a MTA facility beyond or inside the turnstile or fare gates and any area within 15 feet of an escalator, elevator, tracks, emergency exit, stairway, fare gate, kiosk, ticket vending machine, money changer, information center, main terminal entrance, locations where transit patrons are in line, or bus stop or shelter.

(9) "Free speech activity" means any manner of organized exercise of rights and privileges that deal with political, religious, or social matters and are noncommercial.

(10) "Group of individuals" means three or more individuals.

(11) "Light Rail" means the light rail line owned and operated by MTA in Baltimore County, Baltimore City, and Anne Arundel County.

(12) "MARC" means commuter rail service operated under contract to the Maryland Transit Administration.

(13) "Metro" means the heavy rail subway line operated by MTA in Baltimore County and Baltimore City.

(14) "MTA" means the Maryland Transit Administration of the Department of Transportation established pursuant to Transportation Article, §7-201, Annotated Code of Maryland.

(15) "MTA facility" or "MTA facilities" mean all property owned, leased, operated, or controlled, whether by ownership or easement, by the MTA in connection with its operation of transit service, and includes any one or more or combination of

tracks, rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or used or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation.

(16) "MTA service" means transportation by means of transit vehicles or through transit facilities of persons and their packages in service operated by MTA, or by an entity under contract to MTA.

(17) "Persons" means any individual, organization, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, committee, assignee, or other representative of them.

(18) "Solicit or solicitation" means requesting transit patrons give alms, funds, donations, contributions, signatures, personal information, or other information for a non-MTA purpose.

(19) "Transit patron" means a person in and upon any MTA facility or equipment for the purpose of using available public transportation service.

(20) "Transit vehicle" means a mobile device used in rendering transit service.

11.06.01.03

.03 Free Speech Activity.

A. A person desiring to have a group of individuals engage in free speech activity on, in, or within an MTA facility shall notify the MTA Office of Customer Information of the intent to do so at least 5 weekdays in advance of the event to permit MTA ample time to ensure availability of free space, and allocate sufficient resources to maintain efficient operations.

B. Notification of the intent to conduct a free speech activity in, on or within an MTA facility shall be submitted to the MTA Office of Customer Information on a form prescribed by the Administrator. The form shall be available at www.mta.maryland.gov or obtained from the MTA Office of Customer Information. The form shall be submitted online or sent to the MTA Office of Customer Information at 6 St. Paul Street, Baltimore, Maryland 21202. Each notification shall include:

- (1) The full name, mailing address, and telephone number of the persons:
 - (a) Sponsoring, promoting, or conducting the proposed activities; and
 - (b) Supervising and responsible for the proposed activity;
- (2) If the persons engaging in free speech activities are doing so on behalf of an organization, the name of that organization;
- (3) If the group is an organization which is required to have a resident agent in Maryland, the name of resident agent in Maryland;
- (4) A description of the proposed activities indicating the method of communication to be involved;
- (5) The locations, dates, and times of the intended activity;
- (6) The number of persons anticipated to be engaged in the activities at each MTA facility sought to be used; and
- (7) The specific MTA service or facility sought to be used for the planned free speech activity.

C. Within 3 weekdays from receipt of a notification of intent to conduct a free speech activity, the MTA Office of Customer Information shall contact the person making the notification and inform the person whether there are any conflicts with other events or users for the free area.

D. Limitations.

- (1) Free speech activity may only be exercised in free areas in the MTA facility identified in the notification.
- (2) Free speech activity may only occur during times the MTA facility is open to the general public.
- (3) In conducting a free speech activity at, on, or in an MTA facility, a person may not:
 - (a) Erect a table, chair, booth, or other structure;
 - (b) Distribute food, drink, or tobacco products;
 - (c) Post any commercial signs, advertisements, circulars, or printed material;
 - (d) Carry any signs or placards that are more than 18" by 18" or are affixed to a pole;
 - (e) Affix any material to any part of the MTA facility including its fixtures and temporary structures; or
 - (f) Permit leaflets or other printed material to be left unattended.
- (4) Persons engaged in free speech activity may not intentionally touch or make physical contact with another person unless that other person has consented to physical contact.

11.06.01.04

.04 Solicitation on MTA Vehicles Prohibited.

A person may not solicit transit patrons on any vehicle owned and operated by the MTA or under contract to the MTA. This prohibition includes, but is not limited to, the solicitation of alms, funds, donations, contributions, signatures, personal information, or other information for non-MTA purposes.

11.06.01.05

.05 Emergencies.

A. The Governor, Secretary of the Maryland Department of Transportation, Administrator, MTA Chief of Police, or the MTA Manager of Safety and Risk Management may declare an emergency.

B. In the event of an emergency:

- (1) An announcement shall be made;
- (2) All free speech activities shall cease for the duration of the emergency; and
- (3) Non-MTA use of MTA facilities shall not resume until authorized by the Administrator.

C. MTA assumes no liability for any losses resulting from a suspension of free speech activity due to an emergency.

11.06.01.06

.06 Distribution of Printed Matter.

The following guidelines apply to the sale or distribution of printed matter to the general public from vending or distribution machines located upon a MTA facility:

A. A person may not engage in a sale without the prior approval of, and being subject to the terms and conditions prescribed by, the Administrator.

B. A person desiring to place and operate a vending machine for the sale or distribution of printed material to the general public upon MTA stations and premises shall first obtain a written permit from the Administrator or his designee.

C. Permit applications shall be approved on a first-come, first-served basis. The number of permits at any station entrance shall be governed by the area deemed available by the Administrator or the Administrator's designee to accommodate the vending machines, yet preserve the safe, free, and orderly flow of transit and rail patrons' ingress and egress at the MTA station entrances and exits. Vending machines shall be located where designated by the Administrator or the Administrator's designee.

D. Chaining or anchoring of any vending machines to MTA station facilities is not permitted.

E. Vending machines may display signs pertaining only to the publication and may not carry any other advertising messages.

F. To assure maximum use of the available station entrance areas for commercial speech vending machine permits, vending machines shall be not larger than absolutely necessary to accommodate the printed matter to be sold or distributed.

G. Permits shall require that all wrappings, bindings, and similar materials peculiar to the vending operation be collected and removed by the person carrying out the vending activity.

H. Permits shall require that vending machines be kept and maintained in a neat and clean condition by the permittee.

I. Permits may be revoked for noncompliance with or any violation of this regulation.

J. MTA assumes no liability or responsibility of any nature for damage, destruction, loss, or theft of the vending machines, including the contents of them.

K. Permits, to be valid, shall be:

(1) Signed by the permittee and the MTA; and

(2) On a month-to-month basis, subject to cancellation or revocation, upon cause and written notice.