



## NON-COMMERCIAL ACTIVITIES POLICY

### A. RESPONSIBLE DEPARTMENT

Subject to the discretion of the Executive Director, the Commission's Rail Department will be responsible for overseeing this Policy.

### B. PROCEDURE

#### 1. Application and Lottery Process for Leafleting, Solicitation, and/or Political Campaign Activities

Individuals interested in conducting leafleting, solicitation, and/or political campaign activities at any of Commission's commuter rail stations must complete and submit a "*Leafleting, Solicitation and/or Political Campaign Activities Permit Application*" to Commission's Rail Department. Applicants shall specify the Commission commuter rail station location for which they are applying for a permit. Individuals may apply for permits at more than one commuter rail station. However, should an individual's application be selected for a permit at more than one commuter rail station for a particular permit period (according to the lottery process described below), the individual must select one station for which he or she may have a permit for the particular permit period within two (2) days of the applicant's receipt of Commission's notification, unless there are no other applications for a particular station. For the station location(s) not selected by such applicant, Commission shall select a different application for receipt of a permit.

Two locations have been designated at each commuter rail station for leafleting, solicitation, and/or political campaign activities. Each designated location shall be for one individual. Permits shall be issued for two month periods as follows (except in the case of election months and the month immediately preceding election dates as discussed in Section B below):

- (1) January and February (Permit Period #1)
- (2) March and April (Permit Period #2)
- (3) May and June (Permit Period #3)
- (4) July and August (Permit Period #4)
- (5) September and October (Permit Period #5)
- (6) November and December (Permit Period #6)

Applications for a particular permit period shall be due by the 19th day of the calendar month immediately preceding the particular permit period. On the 20th day of the calendar month immediately preceding the particular permit period, Commission shall conduct a lottery whereby two applications shall be blindly selected.

Commission shall notify selected applicants in writing within two (2) days of the lottery of their selection and shall enclose a written permit with such notification indicating the rail station at which they have been issued a permit as well as the precise location at the rail station where they may conduct their designated advertising, leafleting and/or solicitation activity. Should a situation arise where a particular applicant is selected for more than one station and must forfeit another station location, Commission shall notify the alternate applicant(s) within two (2) days receipt of notice of the forfeiting applicant's selection of a rail station location.

Therefore, for example, for Permit Period #4 (July and August), applications would be due by June 19th. Commission would then conduct a lottery on June 20th whereby two applications would be blindly selected. Selected applicants would then be notified in writing by June 22nd of their selection.

## 2. Application and Lottery Process for Political Campaign Activities

For the months of February and October and the days in March and November prior to a March or November election date, one of the two permit locations at each commuter rail station shall be reserved for political campaign activities. Individuals who wish to conduct political campaign activities at the commuter rail stations must submit a "*Leafleting, Solicitation and/or Political Campaign Activities Permit Application*" to Commission's Rail Department by 10:00am, January 20th for a March election date and by 10:00am, September 20th for a November election date. If January 20th and/or September 20th fall on a weekend, then applications will be due on the following Monday. Individuals may apply for permits at more than one commuter rail station. Commission shall conduct a blind lottery on or about the same date applications are due whereby each applicant shall be given a three (3) working-day period to conduct political campaign activities at a particular commuter rail station location. Commission shall notify all applicants in writing within two (2) days of the lottery indicating to them which dates they have been designated for their political campaign activities and shall enclose a written permit with such notification indicating the commuter rail station at which they have been issued a permit as well as the precise location at the rail station where they may conduct their designated political campaign activities. Once each applicant has had an opportunity to conduct political campaign activities at a commuter rail station for three (3) working days, then the cycle will start over beginning with the applicant who had the first three (3) working-day period. Should more applicants apply than can be accommodated for three (3) working-day periods, then the permit period shall be decreased to two (2) working-days.

If no applications are submitted to conduct political campaign activities at a particular commuter rail station, then the permit location shall continue being designated for advertising, leafleting and solicitation activities. The leafleting, solicitation, and/or political campaign activities permittee who had been using the location shall be allowed to continue conducting such activities at the location until the end of the permit period (see Section A above) for which he or she was selected.

### 3. Permit Requirements

Permit recipients shall conduct their designated leafleting, solicitation and/or political campaign activity for the permit period indicated on the permit. Permit recipients must adhere to the following policies in conducting such activities:

- No leaflets, placards, signs, banners or other material shall be affixed to any Commission property.
- No material shall be distributed by leaving it unattended.
- Permission shall not be given by Commission for leafleting of cars parked in rail station parking lots.
- Permittees must have the original or a copy of the permit with them at all times while they are conducting their designated leafleting, soliciting and/or political campaign activities at the commuter rail stations.
- Permittees may not conduct their leafleting, soliciting and/or political campaign activities on the platform of a commuter rail station.
- Permittees may not set up tables or booths at the commuter rail stations.
- Permittees may not block access to ticket machines or other facilities such as newsracks or chairs for patrons.
- Permittees may not conduct the designated leafleting, soliciting and/or political campaign activities on stairways leading to platforms, stairways leading up to an overcrossing or on an overcrossing.
- Permittees may not create disturbances or harass patrons.
- Permittees must follow the directions of security guards and Commission officials.
- Permits may be revoked if not used for three (3) consecutive working days (except in the case of permits issued for political campaign activities).

### **III. APPEAL PROCEDURE**

Commission staff shall make a good faith effort to comply with the timelines set forth herein. Should events arise such as holidays or work-related events whereby slight modifications must be made to the timelines, Commission staff shall make a good faith effort to follow the timelines set forth herein as closely as possible.

Any permit recipient who does not adhere to all of the policies contained herein shall be asked by a security guard to leave the premises immediately. Furthermore, violation of any of the above policies shall result in automatic revocation of a permit.

Should an individual's application for a permit be denied, such individual may appeal the denial of his or her application in writing to the Executive Director of Commission explaining why the application should not have been denied. The Executive Director shall review the denial and shall notify the denied applicant of his or her determination in writing within ten (10) days receipt of such appeal. The Executive Director may authorize exceptions to the above-stated policies to protect applicants' free speech rights as well as the safety and mobility of patrons.

Should the Executive Director uphold the denial of such individual's application, such individual may appeal his or her case to Commission's Board of Directors by sending such appeal to the Board in writing explaining why the application should not have been denied. The Board of Directors shall review the appeal at its next general meeting and shall notify the denied applicant of its determination in writing within ten (10) days of such