

RESOLUTION NO. 1996-57

ESTABLISHING POLICIES AND GUIDELINES  
GOVERNING PUBLIC ASSEMBLY ON GREATER  
CLEVELAND REGIONAL TRANSIT AUTHORITY PROPERTY

Whereas, the Authority owns and operates public transit facilities which are centers of activity through which large numbers of people pass each day; and

Whereas, the Authority has from time to time received requests from members of the general public to exercise their constitutional right of expression and public assembly at stations and terminals; and

Whereas, the Board has determined that policies and guidelines pertaining to such activity are necessary to ensure the safe, free and orderly flow of transit patrons through Authority stations, premises and vehicles;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio, that:

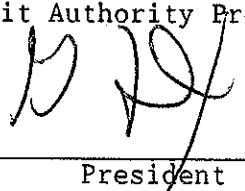
Section 1. The Board of Trustees has determined that policies and guidelines pertaining to public assembly on Authority property are necessary to regulate such activities while protecting GCRTA patrons from communications that may constitute harassment or intimidation and interrupt the safe and orderly flow of patron traffic through stations and premises.

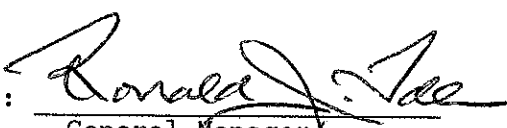
Section 2. The policies and guidelines governing public assembly on Greater Cleveland Regional Transit Authority property as set forth in Attachment A hereto are hereby adopted as the policy of the Authority.

Section 3. That this resolution shall become effective immediately upon its adoption.

Attachment A - Policies and Guidelines Governing  
Public Assembly on Greater Cleveland  
Regional Transit Authority Property

ADOPTED: April 16 19 96

  
\_\_\_\_\_  
President

ATTEST:   
\_\_\_\_\_  
General Manager  
Secretary Treasurer

RECEIVED

2006 DEC 26 P 4: 09

RTA/LEGAL DEPT.

POLICIES AND GUIDELINES GOVERNING  
PUBLIC ASSEMBLY ON  
GREATER CLEVELAND REGIONAL TRANSIT  
AUTHORITY PROPERTY

INTENT

The policies and guidelines established herein are necessary in order to:

- (1) Ensure that persons seeking to exercise constitutional rights of freedom of speech and expression on Greater Cleveland Regional Transit Authority property may do so within the limitations of the policies and guidelines established herein.
- (2) Restrict the time, place and manner of the activities described herein to designated areas of GCRTA property.
- (3) Protect transit patrons using GCRTA stations, premises, and vehicles from repeated communications or encounters which may constitute harrassment or intimidation of a captive audience.
- (4) Ensure the safe, free and orderly flow of transit patron traffic through and on GCRTA stations, premises, and vehicles.

A person who wishes to engage in activities governed by these policies and guidelines on or at GCRTA premises, stations, and vehicles, including but not limited to distribution of literature or solicitation of funds shall be protected in accordance with these policies provided the activities do not:

- (1) Constitute commercial activities.
- (2) Interfere with the transportation function or safe operation of the GCRTA station, premises or vehicles.

APPLICATION

The policies and guidelines established herein apply to all persons using GCRTA premises, stations, vehicles or other GCRTA property, whether GCRTA employees or members of the public, including but not limited to GCRTA visitors, delivery persons, contractors and agents for the following activities:

Commercial Activity. A person may not engage in any commercial activity on the GCRTA's stations and premises without the approval of, and under terms and conditions prescribed by, the Authority.

Certain Non-commercial Activities. A person may not engage in the solicitation of alms, funds, or contributions for the benefit of any charitable, non-profit, non-constitutionally protected purpose on GCRTA stations and premises without the approval of, and under the terms and conditions prescribed by, the Authority.

Free Speech Activities. A person desiring to exercise constitutional freedoms, including, but not limited to, distribution of literature or soliciting of funds for religious purposes involving the exercise of constitutional freedoms on, in, about, or within the GCRTA stations and premises shall first obtain a written permit for these activities from the GCRTA. Free speech activities may only be exercised during regular business hours of GCRTA operations.

#### DEFINITIONS

For the purposes of this policy, the following terms have the meaning indicated:

"Authorized" means acting pursuant to a written contract, permit or other evidence of right issued by the GCRTA.

"Commercial activity" means any activity undertaken for profit including the sale, provision, advertisement, display of goods or services, exchange, trading, buying, hiring, soliciting, peddling of commodities, goods, money, services, or property of any kind, or any revenue-producing activity.

"Emergency situation" means any event creating a condition or circumstance that interferes with the safe or efficient operation of the GCRTA system or other conditions or circumstances as may be determined by the GCRTA to endanger the health, safety and welfare of persons on or upon GCRTA vehicles, stations and premises.

"Free speech activity" means any manner of exercising constitutionally guaranteed freedoms of religion, speech, and press, including but not limited to campaigning for political candidates and issues.

"GCRTA stations and premises" means all property owned, leased operated or controlled by the GCRTA in connection with public transit activities in Cuyahoga County, Ohio, including but not limited to all buses, station areas, entrances, platforms, plazas, escalators, elevators, stairways, parking lots, transfer points, rapid transit vehicles and other rapid stations.

"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.

"Transit Patron" means a person in or upon GCRTA vehicles, stations or premises for the purpose of using GCRTA public transportation service available at that site.

"Vehicles" means all buses and rapid transit cars owned and operated by the GCRTA.

PERMIT PROCEDURE

All persons desiring to use Authority GCRTA property for the activities governed by these policies and guidelines shall submit to the General Manager of the Authority or his designee a written request in a form prescribed by the General Manager setting forth at least the following:

- A. The full name, mailing address, and telephone number of the person or persons,
  - (1) Sponsoring, promoting, or conducting the proposed activities,
  - (2) Who will have supervision of and responsibility for the proposed activities,
  - (3) Who will be engaged in the proposed activities at the GCRTA stations and premises;
- B. The subject matter of the proposed activities indicating the type of communication and the purpose of these;
- C. A description of the proposed activities indicating the type of communication to be involved;
- D. The dates and hours on and during which the activities are proposed to be carried out and the expected duration of the proposed activities;
- E. The number of persons to be engaged in the activities at the GCRTA stations and premises;
- F. The specific area and station or stations in which the desired activities are planned; and
- G. Whether handbills, leaflets, circulars, or other printed material will be distributed to transit patrons.

ISSUANCE OF PERMIT

Upon receipt of a permit application containing the required information the GCRTA will issue a permit to the applicant subject to the limitations set forth herein. The GCRTA will not exercise judgment regarding the purpose or content of the activity.

Permits to use GCRTA property for free speech activity will be granted on a first-come, first-serve basis. First come means the party who has first completed the procedural guidelines set forth herein.

Permits are not transferable.

Permit shall authorize the holder to conduct activities described in the request for a period of 24 hours.

Permits may not be extended or renewed.

Each permit shall specify the area or station or property where the activity may take place. Due to safety considerations, no permits shall be issued for the Rapid Transit facilities located in Tower City Center or the Walkway to Gateway.

TIME, PLACE AND MANNER

1. Time Regulations

Permit holders' activities shall be conducted only during the hours of actual GCRTA transit operations. An emergency situation may be declared by the GCRTA; in this case, notification will be made and all permit holders shall immediately cease all free speech activities until further notified.

2. Place Regulations

(a) Free speech activities may not be conducted:

- (i) in any areas which obstruct the safe, free and orderly flow of passengers' ingress or egress.
- (ii) on the lower level platform areas. This area includes both the waiting areas for the Heavy Rail cars and the raised waiting area for the Light Rail vehicles.
- (iii) in any areas closer than fifty (50) feet to any escalator, stairway and terminal entrances and exits.
- (iv) in any areas which obstruct the closed television circuitry.
- (b) A person or agency engaging in the solicitation of signatures, funds or contributions for the benefit of any non-constitutionally protected purpose may do so only in those areas specifically designated by the GCRTA.

3. Manner Regulations

- (a) Free speech activities shall be conducted only in a conversational tone during regular business hours.

- (b) A permittee shall, upon request of a GCRTA employee, transit police officer, or other law enforcement officer, display the permit or show evidence the permit was granted.
- (c) In conducting free speech activities, a person may not:
  - (1) In any way obstruct, delay, or interfere with the free-movements of any other person or seek to coerce, or physically disturb any other person;
  - (2) Use any sound of voice amplifying apparatus on the premises;
  - (3) Conduct any activities in a misleading or fraudulent manner;
  - (4) Erect a table, chair, booth, or other structure;
  - (5) Intentionally touch or make physical contact with another person unless that other person has consented to physical contact;
  - (6) Repeatedly attempt to distribute written or printed matter to, or to solicit funds from, another person when that other person has indicated to the solicitor that he or she does not wish to accept any matter or to make a donation.
- (d) If printed material or other objects are handed out, the individual(s) supervising or responsible for the proposed activities shall accept the liability of cleaning-up or paying for the clean-up of any material or objects left in the station. A deposit may be required for this purpose.
- (e) The failure of a permit holder to remove all discarded material that the permit holder brought onto GCRTA premises for distribution from GCRTA stations and facilities may be grounds for refusal to grant future permit requests.
- (f) In certain cases, the GCRTA may require the individual(s) supervising or responsible for the proposed activities to post insurance before the free speech activities commence. In determining whether such insurance is required, the GCRTA will consider, among other factors, the extent to which the proposed activity increases the GCRTA's risk of liability.

DENIAL, REFUSAL, AND CANCELLATION

An application shall be denied and refused, and a permit cancelled, if one or more of the following reasons exists:

1. One or more of the statements in the application is not true;
2. The applicant has not furnished all the information required;
3. The quota for all permits has been filled for the time and place requested in the application;
4. A breach or violation of any of these regulations occurs.
5. Review of the application indicates that the activity cannot be conducted without being in violation of these regulations.

#### CAMPAIGN ACTIVITY BY CANDIDATES FOR POLITICAL OFFICE

Political campaign activity shall be limited to registered candidates for political office and one assistant who may accompany them. Such activity shall comply with the following guidelines regarding the time, place and manner of political campaign activity conducted on GCRTA property by individual candidates for public office.

##### Time of Political Candidate Campaign Activity

Political campaign activity by individual candidates for public office shall be conducted only during the hours of actual GCRTA transit operations. If an emergency situation exists, candidates shall discontinue such political campaign activity at the request of the GCRTA.

##### Manner of Political Candidates Campaign Activity

Campaign activity shall be conducted only in a conversational tone.

The candidate and assistant shall not obstruct, delay or interfere with the free movement of individuals seeking to utilize GCRTA facilities.

Candidates shall not use sound or amplifying equipment.

Candidates shall not erect chairs, tables, booths or other stations.

Candidates may introduce themselves to transit patrons and shake hands; however, they should refrain from making any physical contact with any person unless that other person has consented.



If printed material or other objects are handed out, the individual candidate and their assistant shall be responsible for cleaning up the area and shall accept liability for cleaning costs of any litter left on or in the GCRTA transit facility.

The candidates shall agree to comply with reasonable requests from GCRTA personnel to ensure that transit service and patrons are not disrupted.

The GCRTA retains the right to limit the number of candidates at an individual site when it determines that safety considerations warrant such limitations.

Political campaign activity shall not be conducted on rapid transit platforms where individuals are waiting to board GCRTA rapid transit vehicles.

Permits shall not be required for political campaign activity conducted by individual candidates for political office.

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RESOLUTION NO. 1995- 57

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Whereas, the Authority has from time to time received requests from members of the general public to exercise their constitutional right of expression and public assembly at stations and terminals; and

Whereas, the Board has determined that policies and guidelines pertaining to such activity are necessary to ensure the safe, free and orderly flow of transit patrons through Authority stations, premises and vehicles;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio, that:

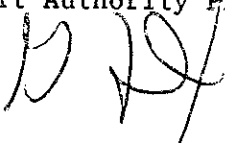
Section 1. The Board of Trustees has determined that policies and guidelines pertaining to public assembly on Authority property are necessary to regulate such activities while protecting GCRTA patrons from communications that may constitute harassment or intimidation and interrupt the safe and orderly flow of patron traffic through stations and premises.

Section 2. The policies and guidelines governing public assembly on Greater Cleveland Regional Transit Authority property as set forth in Attachment A hereto are hereby adopted as the policy of the Authority.


Section 3. That this resolution shall become effective immediately upon its adoption.

Attachment A - Policies and Guidelines Governing  
Public Assembly on Greater Cleveland  
Regional Transit Authority Property

ADOPTED: April 16 19 96

  
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President

ATTEST:

  
\_\_\_\_\_  
General Manager/  
Secretary Treasurer

POLICIES AND GUIDELINES GOVERNING  
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  - (3) Conduct any activities in a misleading or fraudulent manner;
  - (4) Erect a table, chair, booth, or other structure;
  - (5) Intentionally touch or make physical contact with another person unless that other person has consented to physical contact;
  - (6) Repeatedly attempt to distribute written or printed matter to, or to solicit funds from, another person when that other person has indicated to the solicitor that he or she does not wish to accept any matter or to make a donation.
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