



NEW YORK STATE SENATOR

Liz Krueger

## Testimony Submitted to the Metropolitan Transportation Authority (MTA) Regarding Proposed Changes to New York City Transit's Rules of Conduct on January 4, 2005

LIZ KRUEGER July 12, 2010

The M.T.A.'s proposal to ban the use of still and video photography of subways and buses is particularly disturbing and represents an unnecessary as well as an ineffective tool to protect the system and riders from terrorist threat. People engage in photography of the subways and buses for a number of reasons. Some may be documenting unacceptable conditions in need of remedy, others may be documenting their experiences as a first time tourist exploring one of the world's largest subway networks.

While none of these reasons should automatically nullify the M.T.A.'s proposals, I am not convinced that the plans will impede anyone's ability to document and study sites and use this information in a future attack. It seems naïve to believe that an organization as resourceful and resilient as Al Qaeda would not be able to circumvent the proposed rules changes and document the system through alternative means such as a camera disguised as another object or even a picture phone. Therefore, I feel this rule change will unnecessarily limit straphangers freedom of expression and liberty and should be rethought to create a more effective strategy at threat prevention.

I am also concerned that the M.T.A. has not properly distinguished criteria for those seeking credentials to photograph the system. The rules permit photography by "members of the press holding valid press identification issued by the New York City Police Department" or "others duly authorized in writing to" take photos, films and video, but fail to spell out the standards to be applied when determining who will be issued these permits. The M.T.A. cannot adopt any ban on the use of still or video photography without addressing the exact criteria to be used when determining eligibility. Failing to do so may result in a system of arbitrary approvals and rejections, a serious violation to our country's constitutional guarantee to freedom of the press.

I would also request that the M.T.A. reconsider the ban on movement between subway cars as the ban may place passengers in unsafe situations and unnecessarily discomfort straphangers. It appears that this concern has not been addressed in the current rules change, which prohibits the use of the platform for the purpose of moving between subway cars unless they are directed to use them by SIRTOA personnel or a police officer. The M.T.A. must allow passengers to move between cars as a result of an actual or perceived threat. Passengers also often change cars for reasons of general comfort such as a malfunctioning air conditioner or an unpleasant odor and it seems excessive to ban this practice. The safety of passengers need not be compromised, as New York City Transit already locks end doors on trains such as the N,R, W and Q which make wide turns in Manhattan and Queens.

In closing, I am disturbed that the M.T.A. is attempting to justify unnecessary impingements on straphanger's liberty and personal freedoms in the name of security. As a Senator who represents a district filled with possible terrorist targets, I understand the urgency for effective security measures and am constantly exploring new and innovative proposals to protect my district and constituents. While I am open to further discussion on the matter, I feel the M.T.A. has yet to fully explain how these rule changes will effectively combat the terrorist threat to organizations as resourceful and innovative as those who currently seek to do our country harm. I respectfully urge the M.T.A. to reconsider these proposed changes and engage in a further discussion with transit riders and those elected to represent their interests in all levels of government.

I am writing to submit my objections to the M.T.A.'s proposed changes to New York City Transit's Rules of Conduct that would ban still and video photography on subways and buses and prohibit movement between subway cars. While I strongly support reasonable and effective measures to ensure the safety of the transit system, the current proposal seems less an act to secure the city than to limit the expression and liberty of transit riders. Furthermore, I have serious concerns regarding the potential impact that prohibiting movement between cars will have on the safety and comfort of subway riders.