

<b>EXPRESSIVE ACTIVITIES POLICY</b>	<b>POLICY</b>	
	<b>Document Number:</b>	FRS-PL-046
	<b>Version Number:</b>	01

**1.0 Purpose:**

By implementing this Expressive Activities Policy (“Policy”), Santa Clara Valley Transportation Authority (“VTA”) intends to fully support the freedom of speech guarantees as defined in State and/or Federal law on property owned, operated, maintained, or controlled by VTA while protecting its significant governmental interests.

VTA’s significant governmental interests include, but are not limited to, the following:

- 1.1 Protecting the physical safety of the public, VTA passengers, its employees, and other persons authorized to be present on properties owned, operated, maintained, or controlled by VTA (“VTA Property”);
- 1.2 Accommodating passengers with disabilities, complying with the law in this respect, and meeting the special needs of minors, the elderly, the infirm, and others with particular needs, in using VTA’s transit system;
- 1.3 Minimizing extraneous transit station noise levels so that passengers and VTA personnel may hear transit-initiated announcements, advisements, emergency announcements, and security alerts;
- 1.4 Preventing obstructions to passengers’ and employees’ line of view of overhead or eye-level electronic train information, monitors and signage; and preserving unobstructed access by passengers and employees to transit vehicles, facilities, and emergency equipment;
- 1.5 Preserving unobstructed, unimpeded and orderly flow of pedestrian traffic throughout its transit facilities, particularly in and around narrow transit platforms, corridors, passageways, exits, entrances, doorways, ramps, stairways, escalators, elevators, offices, and lavatories;
- 1.6 Minimizing the annoyance, invasion of rights, or perceived risk to personal security of its passengers, both in the transit facilities and on VTA vehicles, where passengers represent a captive audience, and are unable to avoid unwanted communication or contact with strangers without forfeiting their fare or their position boarding a transit vehicle;
- 1.7 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 ticket dispensing machines, ticket windows, and in other areas such as transit platforms, and remote, isolated corridors and passageways;
- 1.8 Eliminating and/or minimizing liability to VTA and others resulting from the activities of third parties on VTA Property;
- 1.9 Maintaining VTA Property clean and free of litter, trash, and debris; and
- 1.10 Implementing rules which entail minimum public cost of enforcement and control.



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**2.0 Scope:**

This Policy applies to all Expressive Activities conducted on VTA Property.

This Policy does not apply to official administrative activities and functions of VTA. Additionally, this Policy does not govern commercial advertising, concessions for the sale of goods or services, or for the distribution of newspapers, or the issuance of special event permits involving the use of VTA Property, which are subject to separate policies and permits. For more information related to activities in these areas, contact VTA’s Real Estate Division (“Real Estate”) at (408) 321-5777.

**3.0 Responsibilities:**

Within a reasonable time after a fully completed Permit Application has been filed, but no later than 24 hours before the proposed activity, Real Estate shall issue a decision to award, conditionally award, or deny the Permit Application. No Permit Application may be conditionally awarded or denied based on the content or viewpoint of the proposed Expressive Activity, however, Real Estate may conditionally award or deny a Permit Application on one or more of the following grounds:

- 3.1 Permit Application is not timely, fully completed, and/or executed;
- 3.2 A fully executed prior Permit Application for the same time and place has already been received, and a permit has been or will be granted to a prior applicant for the same location identified in the subsequent application;
- 3.3 The use or activity intended by Applicant would present an unreasonable danger to the safety of passengers using VTA transit services, VTA employees, Applicant, and/or the general public;
- 3.4 The use or activity intended by Applicant would interfere with the access of VTA passengers to a VTA facility or a transit vehicle (e.g. interrupting the flow of passengers, diverting foot traffic, delaying passengers, etc.) or otherwise disrupt or create an obstruction of the orderly functioning of VTA’s transportation services;
- 3.5 VTA anticipates extraordinary circumstances, such as transportation emergencies, severe weather, power failures, acts of war, accidents, disasters, strikes, riots, acts of God, or a threatened condition of civil disorder;
- 3.6 Applicant or the person(s) on whose behalf the application is made has, on prior occasions, damaged VTA’s property and has not paid in full for such damage;
- 3.7 Statements made on the Permit Application do not appear to a reasonable person to be true;
- 3.8 Applicant or the person(s) on whose behalf the Permit Application is made has, on prior occasions, made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of a prior permit.



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Notice of denial of a Permit Application shall set forth the grounds for denial.

**4.0 Policy:**

No group, organization, or person shall engage in Expressive Activities on VTA Property except in compliance with the following guidelines:

- 4.1 VTA light rail transit platforms and bus boarding areas are reserved for ticketed passengers who are boarding, exiting or waiting for VTA transit vehicles, or for authorized VTA personnel. No group, organization, or person shall conduct Expressive Activities in these areas or in any VTA transit vehicle.
- 4.2 Expressive Activities may be conducted, upon issuance of a permit, in locations of VTA Property specified in **EXHIBIT A** (“List of Permissible Locations”), attached hereto.
- 4.3 Any group, organization, or person who wishes to engage in an Expressive Activity on VTA Property shall submit an Application for a Permit to Engage in Expressive Activity (“Permit Application”), attached hereto as **EXHIBIT B**, to Real Estate at (408) 321-5777 at least three full (3) business days but no more than thirty (30) calendar days before the proposed Expressive Activity.
- 4.4 A permit to engage in Expressive Activity shall be valid for a specific location, date and time period, not to exceed four (4) weeks. In issuing a permit, Real Estate may impose reasonable time, place and manner restrictions necessary to protect its significant governmental interest(s) associated with the specific location. Such conditions may include:
  - 4.4.1 Specification of the time and duration of the proposed activity;
  - 4.4.2 Specification of the location of the proposed activity;
  - 4.4.3 Limitations on the number of persons who may participate in the proposed activity; and
  - 4.4.4 Prohibitions or restrictions on the use or the size of containers (including, without limitation, bags, suitcases, cartons or packages) or the use of tables and chairs. In addition, each permit shall include and be subject to the prohibitions set forth in Subsection 4.6 below. Persons issued a permit will be required to have it on their person or with their group when engaged in the Expressive Activity. At the request of any person regularly employed or contracted as an inspector, supervisor, law enforcement officer or a security officer for VTA, persons or groups engaged in the activity must produce a valid permit for the date, time period and location of the Expressive Activity.



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- 4.5 Any person who is allowed to engage in an Expressive Activity shall familiarize themselves with and, at all times, shall adhere to all local, State and Federal laws and regulations with regard to personal behavior and safety, including but not limited to California Penal Code sections 369i, 415 and 640(b) and VTA Ordinance 98.1. Violations of applicable laws and/or regulations may result in eviction from VTA Property or arrest. In addition, no group, organization, or person shall interfere with, impede, or obstruct the safe or efficient passage of transit patrons or the work and duties of VTA personnel.
- 4.6 Any equipment, displays, signs, and/or items used in conjunction with the Expressive Activity previously authorized by VTA must be free standing and shall not be affixed to any building, tree, monument, fixture or other VTA structure. They shall be entirely removed each day at the conclusion of the scheduled Expressive Activity.
- 4.7 Any person who is allowed to engage in Expressive Activity authorized under the terms of this Policy shall be responsible for the removal of all written materials and other property and clean-up of the areas where the activity was conducted. Individuals distributing literature shall remove all discarded items from the grounds at the conclusion of their activity. No such materials or property shall be left behind or stored on VTA Property.
- 4.8 Any person who is allowed to engage in Expressive Activity authorized under the terms of this Policy shall be responsible for any damage or injury arising out of that activity.
- 4.9 Any person who is allowed to engage in Expressive Activity authorized under the terms of this Policy shall do so at his or her own risk. VTA does not guarantee additional security or safety or privileges by issuing a permit under this Policy.
- 4.10 Notwithstanding these Rules, VTA shall have the authority to temporarily close access to areas otherwise open to Expressive Activity as deemed necessary under specific or unusual circumstances, such as during construction, special events, or in response to a threat to safety and security.
- 4.11 The permit issued under this Policy shall not be assigned, and any attempt to do so shall be void.



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4.12 VTA's approval of a Permit Application in no way constitutes support or endorsement of the Applicant's cause or Applicant's position on any given issue.

If any provision of this Policy is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.


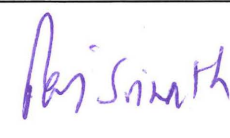
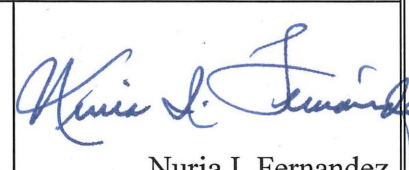
**5.0 Definitions:**

- 5.1 "Expressive 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 State or Federal law. Expressive Activity shall include solicitation and acceptance of donations or contributions while disseminating information, subject to Subsection 5.2, and the solicitation and acceptance of signatures.
- 5.2 "Expressive 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 of public disorder.

**6.0 Summary of Changes:**

Initial release of this policy.

**7.0 Approval Information:**

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Paul D. Ahn Sr. Assistant Counsel	 Raj Srinath Chief Financial Officer	 Nuria I. Fernandez General Manager

12/15/15  
Date Signed

## EXHIBIT A

### LIST OF PERMISSIBLE LOCATIONS

1. Almaden Station	Winfield Rd. at Coleman Rd., San Jose
2. Alum Rock Transit Center	Capitol Ave. @ Wilbur Ave, San Jose
3. Blossom Hill Station	Blossom Hill Rd at Highway 85, San Jose
4. Branham Station	Branham Lane at Narvaez Ave, San Jose
5. Capitol Station	SE Capitol Expwy. @ Narvaez, San Jose
6. Cottle Station	Cottle Rd. @ Hwy 85, San Jose
7. Curtner Station	2360-2380 Canoas Garden Ave., San Jose
8. Eastridge Transit Center	Tully Rd. @ Capitol Expwy (Eastridge Mall), San Jose
9. Gilroy Transit Center	Monterey Highway at 7th Street, Gilroy
10. Great Mall/Main Transit Cntr	5210 Great Mall Drive. (@ Main St.), Milpitas
11. Hostetter Station	Capitol Ave. @ Camino Del Ray, San Jose
12. I-880 / Milpitas Station	5122 Alder Dr, Milpitas
13. Lawrence Caltrain Station	137 San Zenon Way, Sunnyvale
14. Main and Hale Transit Center	Main Ave. @ Hale Ave, Morgan Hill
15. Morgan Hill Caltrain Station	17300 Depot Street, Morgan Hill
16. Mountain View Transit Center	Evelyn Ave at Castro St, Mountain View
17. Ohlone/Chynoweth Station	Chynoweth Ave at Pearl Ave, San Jose
18. Penitencia Creek Transit Center	Penitencia Creek Rd and Capitol Ave., San Jose
19. Santa Clara Transit Center	Railroad Ave. at Benton St., Santa Clara
20. Santa Teresa Station	Santa Teresa Blvd. @ Miyuki Dr., San Jose
21. Snell Station	Snell Ave. @ Hwy 85, San Jose
22. Tamien Lightrail Station	Lelong Ave at Alma Ave, San Jose
23. Winchester Transit Center	Winchester Boulevard @ Budd Avenue, Campbell

If a VTA Property is not included in the above list, the Applicant may contact Real Estate to determine the availability of the location for Expressive Activity.

VTA's map of facilities, including transit centers and park-and-ride lots, is available at the following link:  
<http://www.vta.org/sfc/servlet.shepherd/document/download/069A0000001cwcWIAQ>

**EXHIBIT B**

**APPLICATION FOR A PERMIT TO ENGAGE IN EXPRESSIVE ACTIVITY**

Application must be submitted to and received by REAL ESTATE DIVISION at least three (3) full business days prior to the date of the proposed activity. Submit Application to:

**REAL ESTATE DIVISION**

Office Hours: 9 am - 5pm (Mon - Fri)  
Telephone: (408) 321-5777  
Email: [Freespeech@vta.org](mailto:Freespeech@vta.org)  
Address: Attn: Real Estate  
3331 North 1<sup>st</sup> Street, Bldg. A  
San Jose, CA 95134

1. Name of Applicant: \_\_\_\_\_
2. Organization (if applicable): \_\_\_\_\_
3. Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Cell Phone: \_\_\_\_\_
5. Fax Number: \_\_\_\_\_
6. Email: \_\_\_\_\_
7. Requested VTA Property for proposed Expressive Activity (in order of preference).  
Include a map identifying the specific area within the VTA Property where the proposed  
Expressive Activity will occur.
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_

8. Requested date(s) and time(s) of the proposed Expressive Activity:

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9. Proposed activity: \_\_\_\_\_

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10. If any signs, containers (including, without limitation, bags, suitcases, cartons or packages), displays, tables, chairs and/or other physical items will be used in your proposed Expressive Activity, identify each item with their dimensions, quantity, and a brief description.

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11. Number of adult participants: \_\_\_\_\_

12. If minors (under the age of 18) will be involved in the activity, provide the following:

a. Number of minors: \_\_\_\_\_

b. Name and contact info of adult responsible for the supervision of minors:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Cell Phone: \_\_\_\_\_

13. The undersigned acknowledge(s) receipt of the **Rules Pertaining to Use of VTA Property for Expressive Activities** and has read and agrees to its terms.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervising Adult (for minors involved, if applicable)

\_\_\_\_\_  
Date

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### AUTHORIZED PERMIT FOR EXPRESSIVE ACTIVITY

**This Permit is issued to the above signed Applicant for:**

\_\_\_\_\_  
Date(s)

\_\_\_\_\_  
Location(s)

**Issued by:**

\_\_\_\_\_  
VTA Representative

\_\_\_\_\_  
Date