REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA

Safety & Security Procedures

1st Amendment Right Requests - RTC Facilities

Original Date: 12/13/2012 Revised Date:	
Section:	Pages:

I. Introduction

The Regional Transportation Commission of Southern Nevada ("RTC") permits First Amendment activities at facilities owned or controlled by the RTC to the extent that those activities are not incompatible with the RTC's overall vision and goals, or impedes the RTC's ability to safely operate the regional transit system, and to do so with optimum service to the public.

II. Purpose

The purpose of this document is to provide support to the RTC's Vision of a Safe, Convenient and Effective Regional Transportation System that Enhances Mobility and Air Quality for Citizens and Visitors.

The primary purpose of the RTC is to facilitate public transit. The RTC's terminals and parking areas and the sidewalks adjacent to the terminals and parking areas are not public fora. Some First Amendment activities must, by law, be accommodated to at least some extent at the RTC's facilities, which include, but are not limited to, any installation or facility owned, operated or leased by the RTC. It is the declared intent of the RTC to not allow the RTC's terminals to become a public forum for dissemination, debate or discussion of political, social or religious issues, as far as permitted by law. Permission by the RTC or an authorized agent thereof, expressly or by implication, to enter upon or use the RTC's facilities or any part thereof, for non-commercial purposes or to conduct First Amendment Rights activities shall be conditioned upon compliance with the RTC's Safety and Security Policies and Procedures, as set forth herein.

No expressive or First Amendment activities may be conducted at RTC facilities unless permission has been obtained from the General Manager or designee.

The purpose of this process is to ensure that the compelling governmental interests of the RTC are considered.

These interests include, but are not necessarily limited to:

- protecting the physical safety of the public, its passengers, its employees, its contractors and other persons authorized to be present at RTC facilities;
- ensuring that its passengers' needs to safely and efficiently utilize its transportation system are met;

- preventing obstructions to passengers' and employees' line of view of signage, vehicles, and in preserving unobstructed access by passengers and employees to transit amenities, employees, security, etc.;
- preserving unobstructed, unimpeded and orderly flow of pedestrian traffic throughout its facilities, particularly in and around bus bays, crosswalks, exits and entrances, doorways, ramps, sidewalks, restrooms, etc.;
- minimizing annoyance, invasion of rights, or perceived risk to personal security of its passengers, both in its transit centers and park and rides, where passengers represent a captive audience, and are unable to avoid unwanted communication or contact with strangers without forfeiting their fare or their position in line;
- 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 ATM machines, ticket vending machines, customer service windows, and in other areas such as bus bays, etc;
- Complying with applicable building codes, fire codes, noise and air quality environmental standards, and other laws and regulations;
- Eliminating and/or minimizing liability to itself and others resulting from the activities of others at RTC facilities;
- Maintaining clean facilities and bus bays/platforms and shelters free of litter, trash, and debris; and
- Implementing rules which entail minimum public cost of enforcement and control.

III. Application Process for First Amendment Activities

A. Application:

The applicant shall provide, the following information:

1. The name and address of the applicant and the applicant's legal status, i.e., natural person, partnership, corporation, association or other organization.
2. If a partnership, the names and both business and residence address of all partners.
3. If a corporation, the laws under such corporation was organized, the address of the Nevada office of such corporation, if any, and the names and addresses of all officers and directors of trustees of such corporation.
4. If an association or other organization, the principal office and place of business of the association or organization, and the names and addresses of all members of the association or organization, unless they exceed twenty in number, in which case the application shall so state, and the names and addresses of the officers of the association or organization shall be given.
5. The period within which the activity is to be conducted, giving beginning and ending dates of the activity and the times of day the activity will occur.
6. The names, addresses and telephone numbers of all individuals who will act as agents for the applicant at RTC facilities.
7. A statement to the effect that, if a permit is granted, such permit will not be used or represented to be an endorsement by the RTC, or any of its officers or employees.
8. A statement whether or not the applicant (including all partners, officers, directors, or trustees of the applicant) or any of its agents has had a prior permit revoked for violation of the RTC's Rules and Regulations.

B. Issuance / Denial of Permits:

Except for a permit to picket, the permit shall be issued promptly within three (3) working days following receipt of the application by the General Manager, or the applicant shall be furnished a written statement within that same period setting forth why the permit was denied.

The General Manager shall issue a permit for picketing in accordance with the provision of state law and these Rules and Regulations. The permit shall be issued or denied for cause within one (1) working day after a written application for the same has been made to the General Manager.

Grounds for Denial:

Grounds for denial of a permit shall be any of the following:

a. The applicant has not fully complied with the disclosure provisions as set forth in this Chapter.
b. The applicant has made statements in the application which are not true.
c. The applicant (including any partner, officer, director of trustee) or its agent has had a permit revoked for violation of the RTC's Rules and Regulations within the past sixty (60) days.
d. The proposed activity for which the permit is requested is commercial and subject to other provisions regulating such activity.

C. Permit / Appeals:

Any applicant who is denied a permit within three (3) working days (one {1} day for picketing applications) after submission to the General Manager or whose permit has been revoked may appeal in writing to the Regional Transportation Commission of Southern Nevada's Board of Commissioners, after a hearing at a time and place set by the Board at its next regular meeting after the date of filing of such appeal, shall either grant, deny, reinstate, or refuse to reinstate such permit.

D. Permit / Contents /Time Permit:

Permits issued under this Chapter shall bear the name and address of the permit holder who shall conduct the activity, the date issued, the dates within which the permit holder may conduct its activity, time, place and manner restrictions upon the activity, and a statement that the permit does not constitute an endorsement by the RTC. The number of picketers, demonstrators, or participants and areas used for these or other purposes must be specifically assigned by the General Manager for such picketing or other permitted First Amendment rights activity.

1) Expiration:
Every permit granted under authority of this Chapter shall expire at the termination of the period specified on the permit, not to exceed sixty (60) days from the date of issuance.

2) Required Permit:
A separate permit is required for each program or activity

3) Filing:
A copy of the permit and application shall be filed with the General Manager for public inspection.

E. Identification:

Each person proposing to act on behalf of a permit holder shall use as identification the permit issued by the General Manager. The permit shall be issued after the applicant has identified himself or herself by means of a birth certificate, social security card, driver's license, or other lawful proof of identification, and has presented written authorization from the permit holder to act as its agent. The permit shall be carried by the person to whom it is issued at all times while he or she is engaged in any activity on behalf of the permit holder. The permit shall be surrendered to the General Manager upon termination of authority to act for or on behalf of the permit holder whose name appears on the permit or upon revocation of the permit for any violation of this Chapter.

F. Specified Public RTC Areas:

Permittees shall conduct their proposed activities in or upon the specified, allowable public RTC areas, with the number of persons allowed and at such times as set forth in their permits and as otherwise may be prescribed from time to time by the General Manager; however, any restrictions shall be both reasonable and appropriate and prescribed as determined by the General Manager that the restrictions are necessary to avoid injury to person or to property or to assure the safe and orderly use of the RTC facilities by the traveling public.

G. Conditions Governing Revocation of a Permit:

Violation of any of the prohibited activities or a failure to abide by any required standards of conduct set forth in this Safety and Security Procedure of the RTC shall be sufficient cause for cancellation of the permit by the General Manager upon twenty-four (24) hours' notice. In the event a violation creates a threat to public safety, no advance notice of cancellation of the permit shall be required.

H. Standards of Conduct:

Any person or organization (authorized permit holders) taking part in any First Amendment Rights activity, including any picketing or demonstration, shall conduct such activities in accordance with the standards of conduct, including but not limited to those standards set forth as follows:

a. In a peaceful and orderly manner contemplated by law, without physical harm, molestation, threat, or harassment of persons, obscenities, violence, breach of the peace or other unlawful conduct.
b. Without obstructing the use of the RTC Facilities by others and without hindrance to or interference with the proper, safe, orderly, and efficient operations of the RTC facilities and activities conducted thereupon. No person may 1) intentionally operate a motor vehicle as to delay, impede, or interfere with the ability of persons or vehicles to enter or leave the RTC facility(ies) roadway system, or 2) knowingly spread, drop, throw or otherwise disperse nails, tacks, staples, glass or other objects that may cause harm or any entrance, exit or passageway.
c. In strict accordance with the RTC's operating procedures governing such activities on RTC facilities and pursuant to directions and conditions outlined in writing by the General Manager in each instance.

IV. Prohibited Activities / Conduct:

A. Prohibited Areas

Once Approved, the RTC General Manager or designee will assign the applicant the location within the RTC requested facility(ies) where the First Amendment activities will be permitted to take place, primary location of choice – flag pole area at each facility. The number of participants allowed on behalf of an Applicant will be determined by the location assigned. If more than one Applicant applies to engage in First Amendment activities at a particular facility on a particular date, then locations will be assigned in the order the applications were received, provided there are sufficient locations available. In no event may First Amendment activities take place on bus platforms, or secure areas.

B. Obstruction

No permit holder or agent, while engaging in any permitted activity, shall prevent, interfere with or obstruct any persons access to, egress from, or free movement along any RTC building, sidewalk or passageway, bus staging area, shelter, etc., nor shall any permit holder or agent in any manner assail, coerce, threaten, offensively touch, or physically restrain or disturb any other person for any reason, nor shall such activity prevent, interfere with, hamper or curtail the conduct of business at any RTC facility.

C. Unattended Materials

The intentional leaving of any items unattended which are intended for distribution to passersby is prohibited.

D. Solicitation / Offering Goods / Services

No person shall offer goods or services for sale or solicit alms or contributions of funds for religious or charitable purposes within the interior areas of any RTC facility, bus staging areas, shelters, or parking areas or on the sidewalks adjacent to the terminal buildings, bus staging areas or other parking areas. Nothing herein is intended to prohibit the distribution of flyers, brochures, pamphlets, books of any other printed matter as long as such distribution is not made with the intent of immediately receiving money or any other form of payment at an RTC facility and is conducted in accordance with these Rules and Regulations and the time, place and manner restrictions set forth in the permit issued by the General Manager.

E. Danger to Persons / Property or Interference with Formation / Progression of Traffic

No person shall perform any ceremony, speech, song, carrying of any sign or placard, or any activity:

a. Which constitutes a danger to persons or property;
b. Which interferes with the orderly formation and progression of waiting lines;
c. Which interferes with any pedestrian and/or vehicular travel;
d. Which interferes with the issuance of fare media or utilization of ticket vending machines or equivalent for ground transportation and/or the entry to and exit from vehicles;
e. Which interferes with any coach movement or handling; security procedures, government inspection procedures, or cleaning, maintenance, repair or construction operations.

F. Written Materials

No person in or upon the public areas of RTC facilities shall attach any placard, sign, circular or other written material to any wall, post, counter, billboard, or any other surface nor shall any person erect any chair, table, mechanical device or other structure in said public areas.

G. Picketing / Marching / Demonstrations

No person shall walk in a picket line as a picket or take part in a labor or other form of demonstration including, but not limited to parades, marches, patrols, sit-ins, and public assemblies on any part of RTC facilities without permission from the General Manager. The number of picketers and areas used for these or other purposes must be specifically assigned by the General Manager for such picketing or other permitted demonstration. The General Manager shall issue a permit for picketing in accordance with the provisions of state law. The permit shall be issued or denied for cause within three (3) working days after a written application for the same has been made to the General Manager. Except for the time limit for issuing the permit, all of the terms and conditions of this Safety and Security Procedure, shall apply.

Any picketing or demonstrating shall be conducted as follows:

1) Conduct

In a peaceful and orderly manner contemplated by law, without physical harm, molestation, threat or harassment of persons, obscenities, violence, breach of the peace or other unlawful conduct. While taking part in any picketing or demonstration, no person may:

a) Intentionally operate a motor vehicle as to delay, impede, or interfere with the ability of persons or vehicles to enter or leave any RTC facility (roadway system).

b) Knowingly spread, drop, throw or otherwise disperse nails, tacks, staples, glass, or other objects that may cause harm in any entrance, exit, or passageway.

2) Obstruction

Without obstructing the use of RTC facilities by others and without hindrance to or interference with the proper, safe, orderly, and efficient operations of RTC operations and activities conducted thereupon.

3) Conditions

In strict accordance with the RTC's Safety and Security procedures governing activities at RTC facilities and pursuant to directions and conditions outlined in writing by the General Manager in each instance.

V. Disclaimer

RTC reserves the right to advise the public of the presence of Applicant and Applicant's planned First Amendment Activities to the extent that it alerts the public to any traffic or safety concerns in or around the facility. By approving Applicant's application, the RTC in no way endorses or supports the Applicant's cause or Applicant's position on any given issue and RTC may expressly disclaim responsibility or sponsorship to that effect.

VI. Cooperation with Security

Applicant must at all times comply and cooperate with directives of the RTC Safety and Security Staff and Security Contractor, including security inspections of persons and materials, and adherence to the Rules of Conduct for the particular facility, as contained in Addendum C to these Regulations. If Applicant is a organization, Applicant must designate a local representative as its liaison with the RTC Safety and Security and Security Contractor.

VII. Removal of Litter

At no time shall Applicant leave written, graphic, or symbolic materials unattended. Applicant shall, at all times, keep areas used by it in a clean, neat, and unlittered condition and shall remove all of their written materials from the RTC's premises at the end of each daily session.

VIII. Revocation

Failure to abide by the terms and conditions stated in these regulations will be grounds for revocation of an issued permit, and/or for removal of the Applicant from the RTC facility(ies).

IX. Definitions

1. "First Amendment 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 the First Amendment of the United States Constitution. First Amendment Activities shall include solicitation and acceptance of donations or contributions while disseminating information, subject to Paragraph 2 of this section, and the solicitation and acceptance of signatures.

2. "First Amendment 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 or public disorder.

X. Document/Reference Information

1st Amendment to the United States Constitution

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

State of Nevada Constitution, Article 1 – Declaration of Rights

9. Sec: **Liberty of speech and the press.** Every citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libels, the truth may be given in evidence to the Jury; and if it shall appear to the Jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted or exonerated.

10. Sec: **Right to assemble and to petition.** The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives and to petition the Legislature for redress of Grievances.

1st Amendment Rights Activities Locations at each RTC Facility

RTC/RFCD Administration Building

600 S. Grand Central Parkway – Flag Pole is located on the southwest side of the building

Bonneville Transit Center (BTC)

101 E. Bonneville Avenue - Flag Pole is located on the north side of the building; and the sidewalks along First Street and Casino Center

Centennial Hills Park and Ride (CHP)

7313 Grand Montecito Parkway – Flag Pole is located on the east side of the building

Integrated Bus Maintenance Facility (IBMF)

3210 W. Citizens Avenue – Flag Pole is located on the south side of the facility, in the Visitor's Parking Lot

South Strip Transfer Terminal (SSTT)

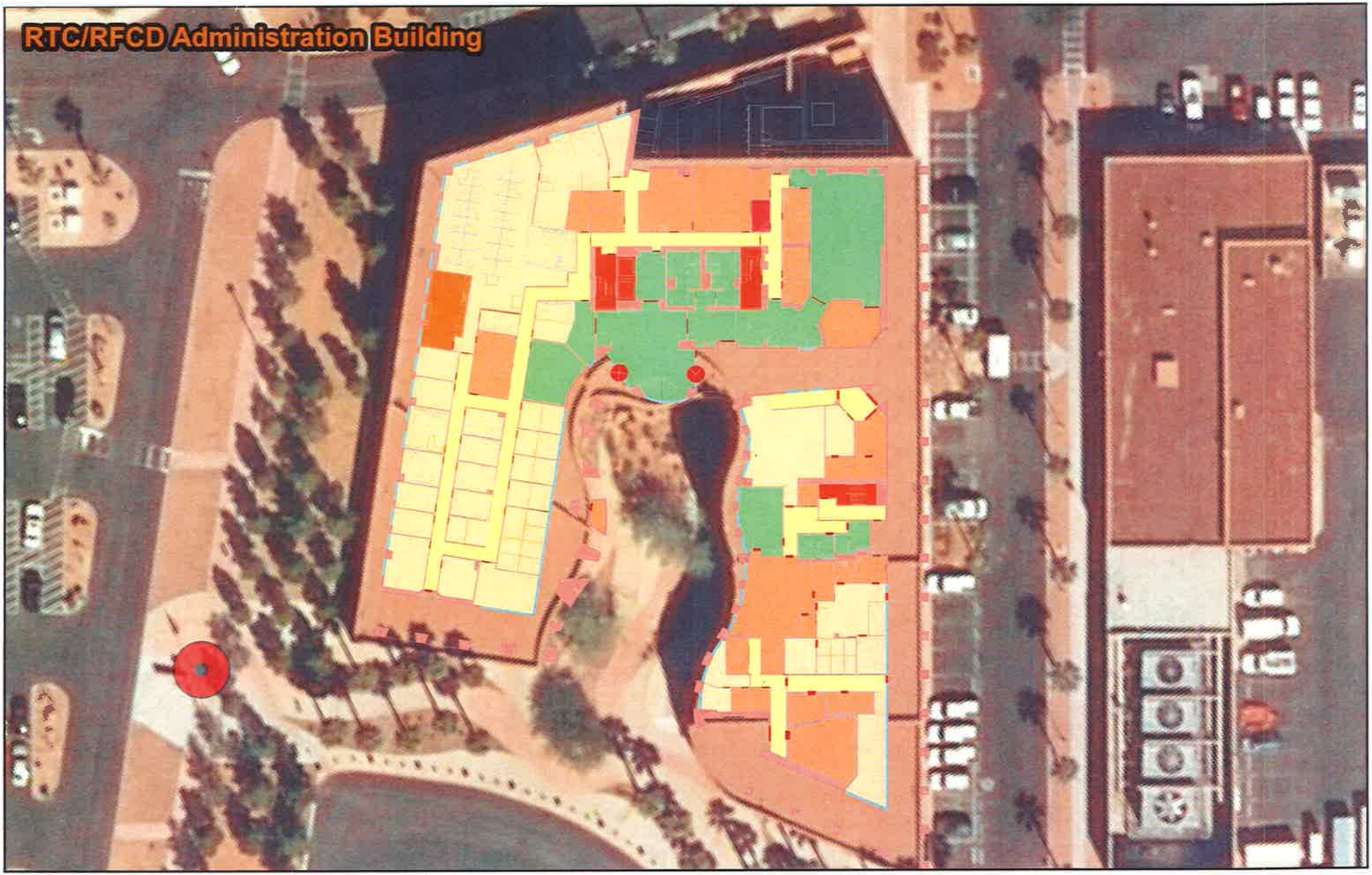
6675 Gilespie Street – Flag Pole is located on the east side of the Building, by the Kiss and Ride

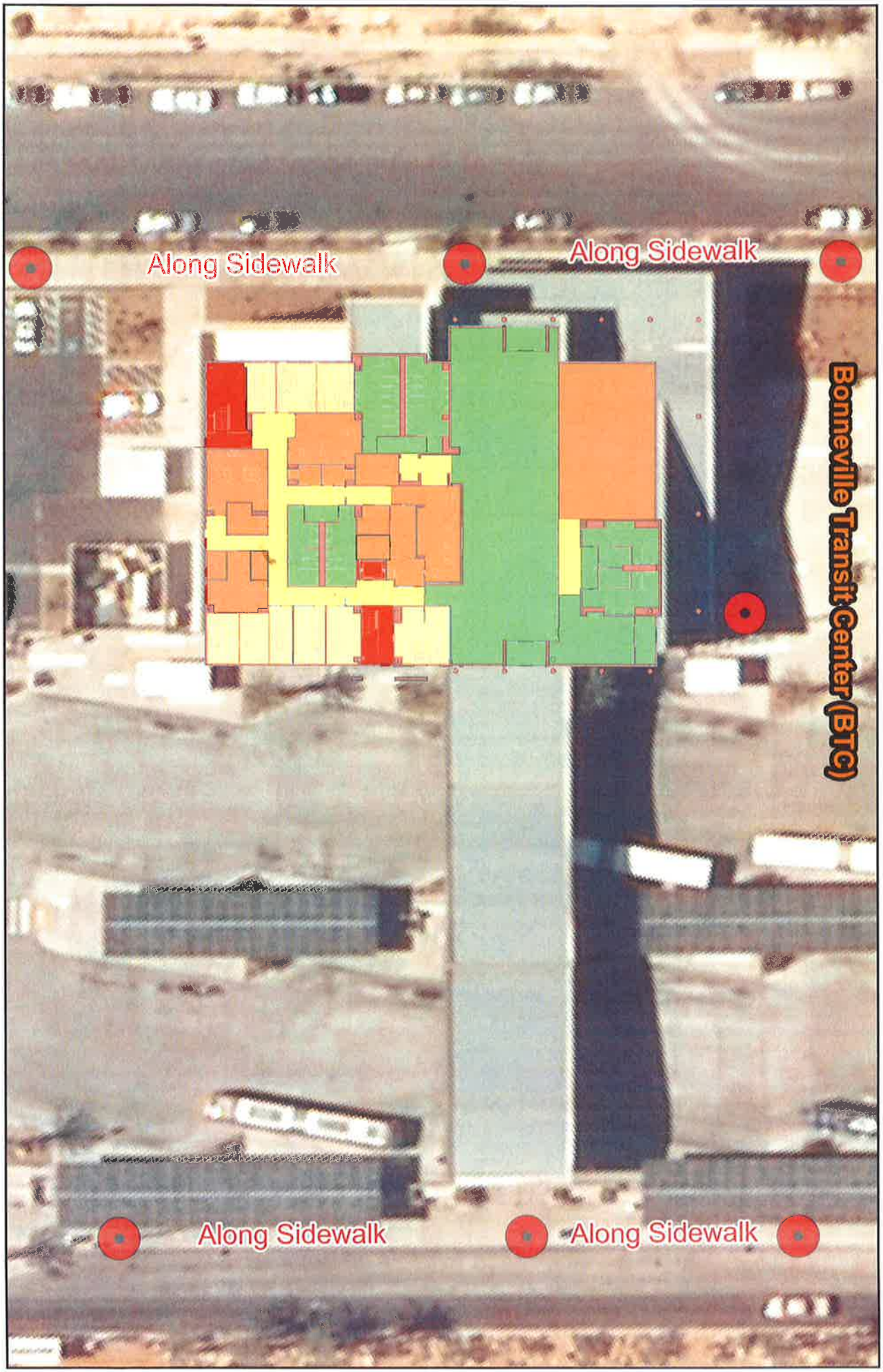
Sunset Maintenance Facility (SMF)

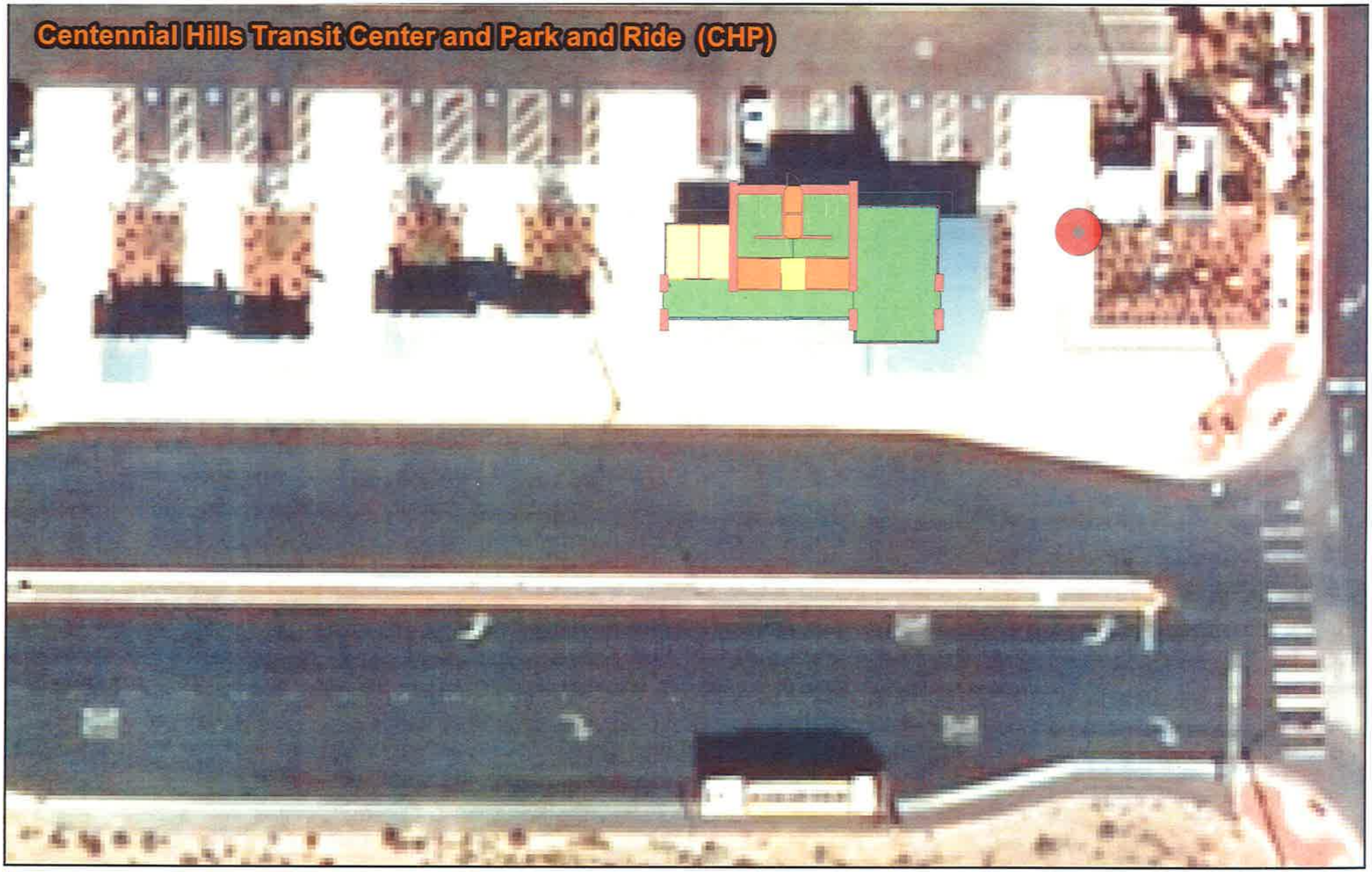
5165 W. Sunset – Flag Pole is located on the north east side of the building

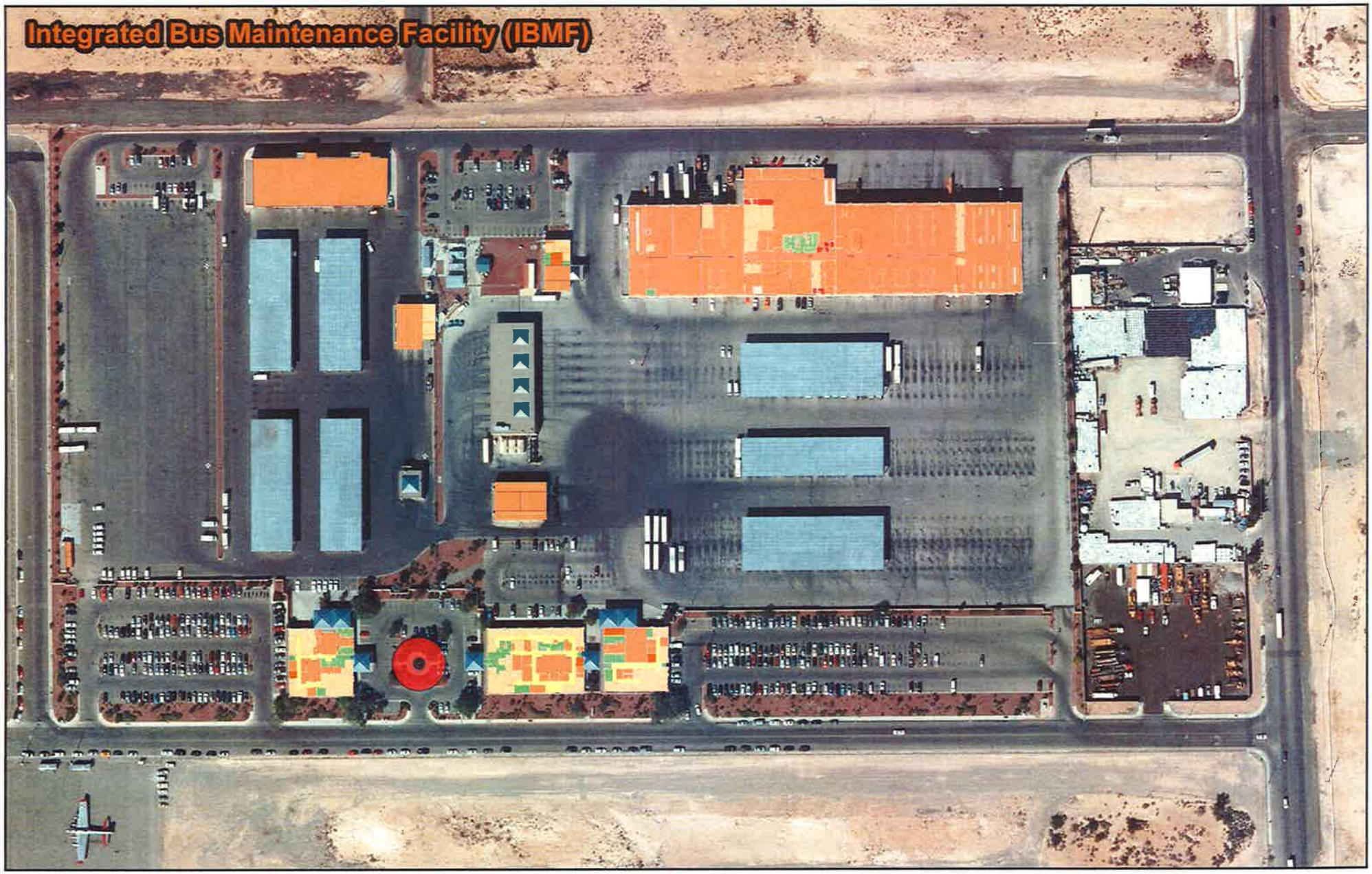
Westcliff Park and Ride (WPR)

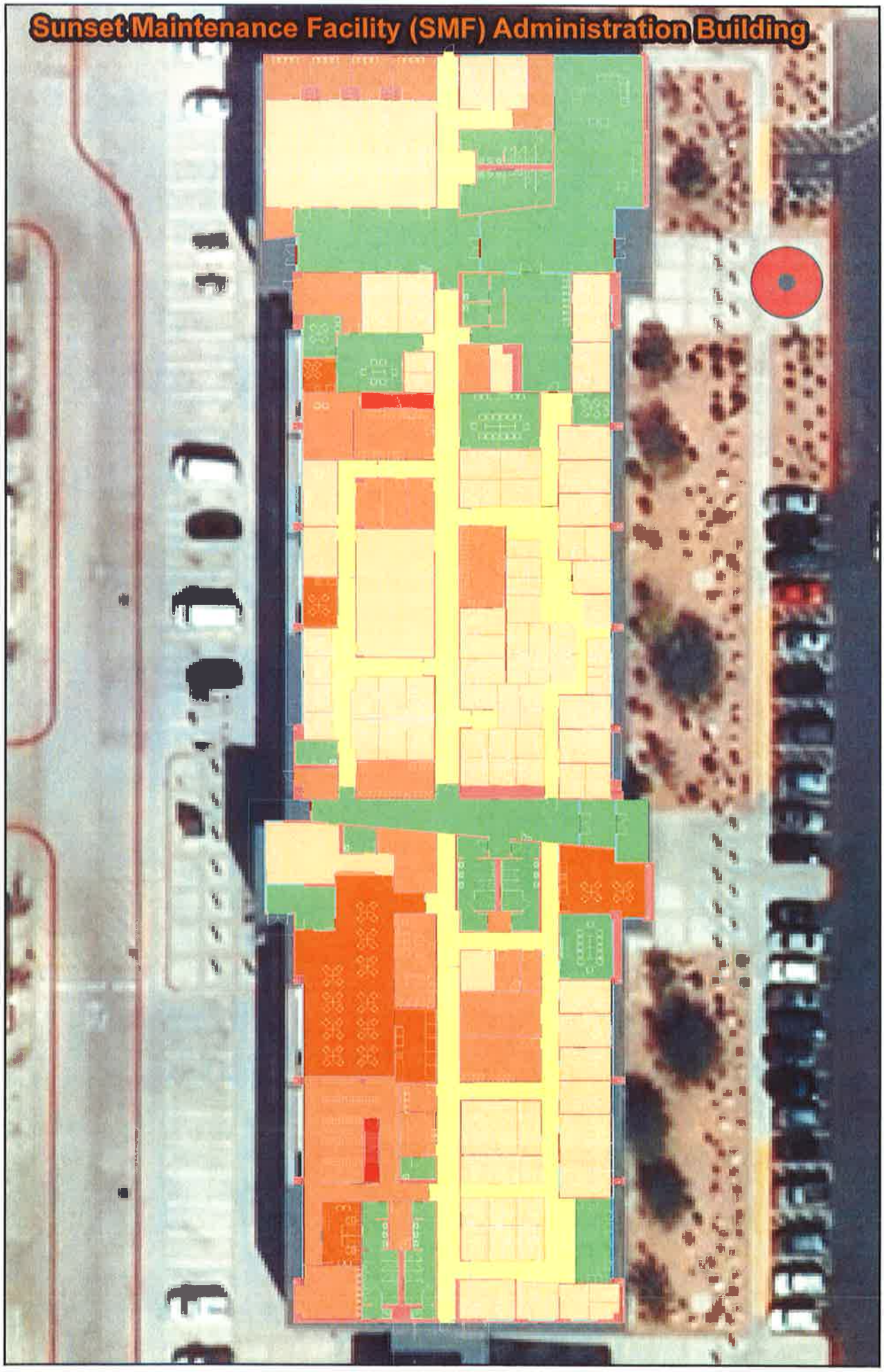
25 S. Durango – Flag Pole is located on the south side of the building


RTC/RFCD Administration Building

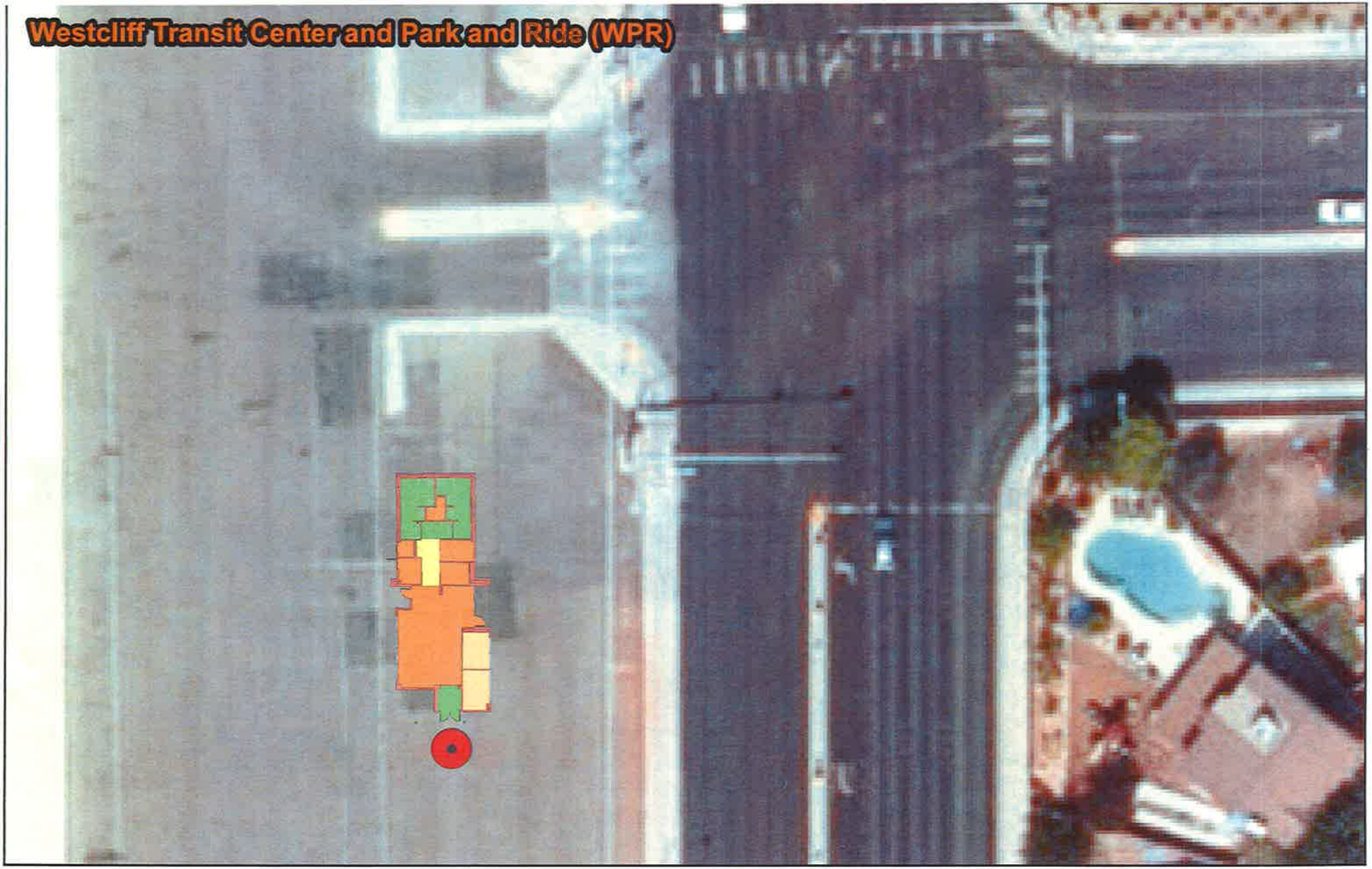

Along Sidewalk
Along Sidewalk
Bonneville Transit Center (BTC)
Along Sidewalk
Along Sidewalk


Centennial Hills Transit Center and Park and Ride (CHP)


Integrated Bus Maintenance Facility (IBMF)


Sunset Maintenance Facility (SMF) Administration Building

South Strip Transfer Terminal (SSTT)


Westcliff Transit Center and Park and Ride (WPR)

This application is made in accordance with the Regional Transportation Commission of Southern Nevada (RTC) Policies and Procedures Governing First Amendment Rights Requests as approved the RTC governing board on December 13, 2012. This document and any subsequent approval / granted permit will not be used, or represented to be, an endorsement by the RTC, or any of its officers or employees.

If printed materials are to be distributed, a copy, facsimile, or e-mail version of such materials is to be included with this application. In addition, the specific location(s), date(s) and time(s) covered by this application are to be specified in the sections below:

Location(s) – ***check to select***:

- ♦ RTC/RFCD Administration Building – 600 S. Grand Central Parkway
- ♦ Bonneville Transit Center (BTC) – 101 E. Bonneville Avenue
- ♦ Centennial Hills Park and Ride (CHP) – 7313 Grand Montecito Parkway
- ♦ Integrated Bus Maintenance Facility (IBMF) – 3210 W. Citizens Avenue
- ♦ South Strip Transfer Terminal (SSTT) – 6675 Gilespie Street
- ♦ Sunset Maintenance Facility (SMF) – 5165 W. Sunset
- ♦ Westcliff Park and Ride (WPR) – 25 S. Durango

Other: _____

******Please provide the following information; the RTC will respond to the Applicant within three (3) working days of documented receipt of the Application******

Name of Applicant:		Applicant Contact Information:	
(please print)			

Date(s) and Time(s) requested for 1st Amendment activity(ies), please list below:

Date(s) – list each day separately:	Start time:	End time:

Primary Contact Information (*individuals who will be on site*):

Name(s) (first and last)		Address(es)		Phone/Cell Phone Number

Please submit the completed form to:

Regional Transportation Commission of Southern Nevada

ATTN: Safety and Security Department

600 South Grand Central Parkway, Suite 350

Las Vegas, Nevada 89106

or by Facsimile at - 702-676-1868

A copy of the RTC's Policies and Procedures Governing First Amendment Rights Requests may be obtained on the RTC website – RTCSNV.com, Legal Notices & Title VI

REGIONAL TRANSPORTATION COMMISSION
OF
SOUTHERN NEVADA

AGENDA ITEM

Metropolitan Planning Organization [ ]	Transit [ ]	Administration and Finance [X]

SUBJECT: ADOPTION OF RTC POLICY AND PROCEDURES – FIRST AMENDMENT RIGHT ACTIVITIES REQUESTS

PETITIONER: TINA QUIGLEY, GENERAL MANAGER
REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA

RECOMMENDATION BY PETITIONER:
THAT THE REGIONAL TRANSPORTATION COMMISSION (RTC) ADOPT A POLICY AND PROCEDURES FOR FIRST AMENDMENT RIGHT ACTIVITIES REQUEST TO PROVIDE GUIDANCE FOR ALL PERSONS REQUESTING TO CONDUCT SUCH ACTIVITIES ON RTC CONTROLLED PROPERTIES / FACILITIES (FOR POSSIBLE ACTION)

GOAL: ENHANCE PUBLIC AWARENESS AND SUPPORT OF THE REGIONAL TRANSPORTATION SYSTEM

FISCAL IMPACT:

None

BACKGROUND:

Staff is recommending that the Regional Transportation Commission of Southern Nevada Board of Commissioners codify current and historic practice to guarantee consistency in the application of the policy and procedures and efficiency of said practices.

Adoption of the policy and procedures will ensure that any requested activity is not incompatible with the RTC's overall vision and goals or impedes the agency's ability to safely and efficiently operate the regional transit system; protect the physical safety of the public, passengers, employees, contractors and all other persons while at RTC facilities; and limit any potential liability.

Respectfully submitted,

TINA QUIGLEY
General Manager
tm

RTC *Item #36*
December 13, 2012