

303A E. 91st St., Apt. 5E  
New York, NY 10128

December 20, 2004

David Goldenberg  
New York City Transit Authority  
130 Livingston Street, Room 1207  
Brooklyn, NY 11201

**Re: Proposed Rule NTA-47-04-00002-P**

Dear Mr. Goldenberg:

I write in comment to the proposed changes to section 1050.9(c) of the New York City Transit rules of conduct. This change, as proposed, would effectively ban photography on the subway and bus systems of the city. Such a change would be a mistake, and I urge you not to make it.

The claim is that making this change would somehow prevent terrorism. If this were a likely result of the rule change, it might make the change worthwhile, but this seems extremely unlikely. A dedicated terrorist could almost certainly find the information he seeks in photographs already publicly available, or, failing that, simply be sure to take photographs when no NYCTA employees or police officers were around to stop his photography.

Instead, the rule change would mostly affect tourists, amateur photographers, and fans of the transit system taking photographs for personal use. These people, who presumably desire to cause no harm to the transit system or its riders and employees, would surely be offended if they were fined for taking a photograph of what is undeniably a unique part of New York.

A further problem exists in the proposed rule's exception only for photographers holding official press cards issued by the New York Police Department. These press identification cards are available only to certain full-time employees of media organizations. I work with an organization which publishes a regularly-updated web site and biweekly newspaper but, because we are an all-volunteer organization, is not entitled to NYPD press credentials. Thus, if we needed a photograph of the transit system to illustrate a story, one of our volunteer photographers could be fined or arrested! This would obviously have a chilling effect on the types of articles we could report.

I urge you, then, to leave section 1050.9(c) as it is. I await your response on this matter.

Sincerely,

Michael Castleman