

February 18, 2005

Steve Malik  
Amalgamated News Service  
1390 Market Street, Suite 1408  
San Francisco, CA 94102

RE: February 5, 2005 Incident

Dear Mr. Malik:

I am writing in response to your correspondence dated February 9, 2005, regarding a February 5, 2005, incident at the Municipal Railway's Montgomery Street Station in San Francisco.

On behalf of the Municipal Railway, I want to apologize for your recent experience. While the Municipal Transportation Agency, which oversees the Municipal Railway, has adopted a policy reserving the paid areas in Municipal Railway stations exclusively for the purpose of providing passengers with safe access to and from Municipal Railway vehicles, we do not issue citations to anyone who violates this policy. We are taking steps to ensure that the employees involved are familiar with the Municipal Transportation Agency's policy.

Since September 11, 2001, the Municipal Railway has increased its efforts to make its system more secure. The policy was enacted to ensure passengers with safe ingress and egress to and from transit vehicles. The underground stations serve a high volume of passengers who use light rail every day. It is estimated that the passengers per hour during peak periods range from 629 passengers per hour at West Portal to 3,588 at the Embarcadero. Access to the paid areas is limited to only individuals who have paid a fare. Under the policy, leaflet distribution, petition signature gathering, voter registration, and newspaper sales are limited to the unpaid areas of these stations. It is possible that the fare inspectors determined that your activity on February 5, 2005, interfered with our primary mission of providing safe and secure passenger access to Municipal Railway vehicles. We are sorry for any misunderstanding.

I encourage your continued patronage of the Municipal Railway. In the future, if you intend to take photographs in the paid areas, we request that you contact the department's press office in advance in order for us to make arrangements for staff to accompany you. In addition, we also request that your activity not interfere with our primary objective of providing safe access to transit for our passengers.

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Thank you for your consideration. If you have any further questions or comments, please do not hesitate to contact me.

Very truly yours,

Michael T. Burns  
Director of Transportation

cc:

Gavin Newsom – San Francisco Mayor

Heather Fong – San Francisco Police Chief

SF Board of Supervisors

American Civil Liberties Union of Northern California

Alicia Wagner Calzada – Advocacy Committee Chair, National Press Photographers Association.

Paul Sakuma – President, San Francisco Bay Area Press Photographers Association

Editor – San Francisco Examiner

Editor – San Francisco Chronicle

Editor – San Jose Mercury News