

NATIONAL RAILROAD PASSENGER CORPORATION

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January 12, 2009

Mickey H. Osterreicher, Esquire
General Counsel
National Press Photographers Association, Inc.
3200 Croasdalle Drive, Suite 306
Durham, NC 27705-2586

Dear Mr. Osterreicher,

This letter is in response to your facsimile correspondence received by my office on January 9, 2009. You claim that Amtrak has engaged in unconstitutional activities with regard to its photography policy and with regard to actions by members of the Amtrak Police Department. Amtrak denies any allegation that it acted in an unconstitutional manner.

First, let me clarify Amtrak's policy on photography. Photography is permitted in Amtrak's stations in spaces that are open to the public. From your letter, Mr. Cole's reference would apply with regard to passengers on moving trains. There, photography is limited to situations where it does not interfere with passengers and crew. As you may imagine, there are considerations, including the safety of all passengers and crew that must be taken into account. As such, it is not an unreasonable time, place or manner limitation.

Further, Amtrak does prohibit photography in areas restricted to the public, such as right of ways and posted no trespassing areas. It is also limited on train platforms to ticketed passengers who may do so briefly prior to boarding or departing from a train.

With regard to media photography, Amtrak does request contact and coordination. This is done more to cooperate with the media photographer in order to assure appropriate access and to provide notice to Amtrak employees of the authorized presence of the photographer.

Finally, the Amtrak Police Department has issued specific guidelines to police officers regarding the right of passengers, patrons or the public-at-large to take photographs or video record in public space areas. These guidelines also state that Amtrak police can investigate activity of photographers that is reported or observed to be suspicious in nature. If one of the incidents mentioned in your letter involves the recent arrest of a photographer on a platform at New York Penn Station that matter is under investigation by Amtrak. However, as noted in the summons issued, the matter involves an incident of trespassing after receiving direct communication to leave an area as opposed to an arrest being made because of photography.

I hope this information provides some clarification for you with regard to Amtrak's policy on photography.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Domzalcki". The signature is fluid and cursive, with a prominent initial "D".

David J. Domzalcki, Esquire
Associate General Counsel
Director, Police Legal Services

cc: Eleanor Acheson, General Counsel
Joseph McHugh, Vice President, Government Affairs and Corporate Comm.
John O'Connor, Chief of Police
Cliff Black, Senior Director, Corporate Communications