



**NORTHERN INDIANA COMMUTER
TRANSPORTATION DISTRICT**

TITLE: PHOTOGRAPHY/VIDEOGRAPHY POLICY

POLICY NO. 19-01

THIS POLICY WAS FORMALLY ADOPTED BY NICTD BOARD OF TRUSTEES ON FRIDAY, JANUARY 25, 2019

A. PURPOSE

The Northern Indiana Commuter Transportation District (NICTD) provides rail service from downtown Chicago to north-central Indiana. The purpose of this Policy is to balance the interest of the public in taking photographs or filming on NICTD’s property with NICTD’s interest in providing safe and reliable commuter transportation service. All individuals or organizations who wish to photograph or film on NICTD property must comply with the requirements set forth herein.

B. GENERAL INFORMATION

1. The general public are permitted to use hand-held cameras and/or cell phones to take photographs, capture digital images, and videotape within public areas of South Shore Line stations and trains for personal, non-commercial use. In no instance will photography or filming, whether personal or commercial, be permitted in restrooms or other areas not specifically permitted by this Policy.
2. Any professional/commercial photographer seeking to film between Millennium Station and 63rd St Station in Chicago must make arrangements with Metra. NICTD permits filming at its stations located between Hegewisch and South Bend only.
3. Professional/commercial photographers (including student film productions and media) with large cameras, photo or video equipment, or ancillary equipment such as lighting, tripods, cables, and the like, are prohibited from photographing, filming, or videotaping onboard all trains, except in instances where such photographers/videographers enter into contractual agreements with NICTD for the exclusive use of trains.
4. All photographers and videographers are prohibited from entering non-public areas within NICTD’s right-of-way, and are prohibited from entering, photographing, or videotaping non-public or highly sensitive areas of NICTD’s transit system. Non-public areas include, but are not limited to, internal office spaces, dispatching operations, and train cabs. Designated areas in which to film are subject to the discretion of NICTD Transit Police, and failure to comply with Police directives may result in arrest.

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5. All photographers and videographers are prohibited from impeding passenger traffic flow, obstructing transit operations, interfering with passengers, blocking doors or stairs, and impacting the safety of NICTD, its employees or passengers. The use of flash photography is prohibited where such use would interfere with the safe operation of a train. Extended periods of loitering for the purpose of taking photographs or video is prohibited.

6. All photographers and videographers must fully and immediately comply with any requests, directions or instructions of NICTD personnel related to safety concerns. If a determination is made that the actions of a photographer or videographer are not in compliance with any applicable rule, NICTD personnel may terminate the permission granted by this policy.

C. GUIDELINES FOR EXCLUSIVE USE OF NICTD TRAINS:

NICTD may, subject to availability and scheduling, offer the exclusive use of train cars for professional or commercial production, subject to the following guidelines.

1. Available Products and Props

South Shore Line Charter train

- o All professional/commercial filming requires a South Shore Line exclusive-use charter train. Car styles include single-decker or double-decker.
- o Photographers/videographers may not interview on-board crewmembers during scheduled working hours without permission from NICTD senior management. NICTD employees may participate in interviews at their discretion outside of scheduled working hours, subject to Employee Relations Policy No. 30.
- o Production crews entering into a contractual filming agreement with NICTD are permitted to provide actors and costumes/uniforms for filming purposes.

2. Available Locations and Settings

- o Urban and rural commuter rail line
- o 13 train stations (Hegewisch through South Bend)

3. Available NICTD Personnel

- o Management staff to accompany photographer/videographer during scheduled

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- project
 - o Specialized personnel as needed:
 - Line & Signal, Car men, train engineer, train conductor, safety officer, Transit Police, maintenance
 - Other personnel as required

4. Procedure

All requests for the exclusive use of NICTD trains for the purpose of photography, filming, or videography shall be made in accordance with these guidelines. Requests made less than four weeks in advance are subject to postponement in the event adequate NICTD labor is not available.

Requests must be made by contacting the South Shore Line’s customer service manager (at least four weeks in advance) to discuss the project and must include a Letter of Intent, along with a script, storyboard, or concept detailing how and when NICTD’s services are being requested.

A pre-production meeting must be held at NICTD’s corporate office with NICTD representatives to discuss the request and compliance with NICTD’s regulations and safety requirements.

5. Insurance Requirements

- a. Evidence of required insured coverage must be submitted at least thirty (30) calendar days prior to production.

All notices and documents pertaining to insurance must be mailed to:
Northern Indiana Commuter Transportation District
Attention: Senior Attorney
601 N Roeske Ave
Michigan City, IN 46360

- b. Required Insurance Coverage. The District’s President, or his designee, shall adopt standard insurance requirements in accordance with this Policy. The District will require, minimally, proof of Workers Compensation coverage, Comprehensive or Commercial General Liability Insurance, Automobile Liability Insurance, and Railroad Protective Liability Insurance in all instances where stunt work or regular filming requires access to rail lines or activities

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within fifty feet (50') of rail right-of-way.

All insurance carriers must be acceptable to NICTD. All insurance companies shall have at least a B+ VII POLICY HOLDER RATING, or better, by the A.M. Best Co., Inc. Insurance companies with lower ratings will not be accepted. Carriers licensed to do business in the State of Indiana must issue all insurance. To the extent permitted by law, the Requestor and its insurers waive all rights of subrogation against NICTD. The insurance to be carried shall in no way be subject to limitations, if any, expressed in the indemnity section of the General Conditions (or any statutory, judicial or common law limitations). NICTD reserves the right to require additional insurance coverage and/or limits based on the nature and extent of the project.


6. Completion of Appropriate NICTD Contracts and Payment of Costs

The District's President, or his designee, shall create a standard form Train Rental Agreement, which must be signed by an authorized signatory – at least one week prior to production. Prior to entering into an agreement, NICTD staff shall provide a pricing list which shall include the current costs of train rental, personnel costs, and administrative fees. An estimate of the total cost shall be determined at the pre-production meeting. NICTD will require a deposit in the amount of two (2) times the estimated cost in order to cover any potential cost overruns. The unused amount of the deposit will be refunded within thirty (30) days after the end of the project. The District's President or his designee shall develop the pricing list required by this section.

7. Use of NICTD's Image

As a condition of being permitted to use NICTD's train cars and/or personnel, the Northern Indiana Commuter Transportation District/South Shore Line, and its employees, officers and agents, will not be presented in a negative or disparaging light. In general, filming and photography must not portray public transportation as an unsafe and dangerous environment. Filming may not include scenes that contains the following: suicide, attempted suicide by train, pushing or threatening to push individuals to track level; re-creation of real life traumatic and violent events (e.g. railway crash, assaults, murders); scenes which endanger others through potential copycat action and explicit scenes such as nudity, sexual activity, or assault on transit property or any other behaviors or activities that NICTD deems inappropriate. The restrictions set forth in this paragraph may only be waived in writing by the President of NICTD when, in the sole discretion of the President, such waiver would be in the best interest of NICTD.

8. Procedures when using drones, helicopters, or aircraft flyover within fifty feet (50') of NICTD's railroad right-of-way

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In all instances where photography or filming will be conducted overhead, whether by the use of drones, helicopters, or aircraft, and the photography, videography or filming occurs within fifty feet (50') of NICTD's railroad right-of-way, the insurance requirements in Section C.5 above will apply.

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