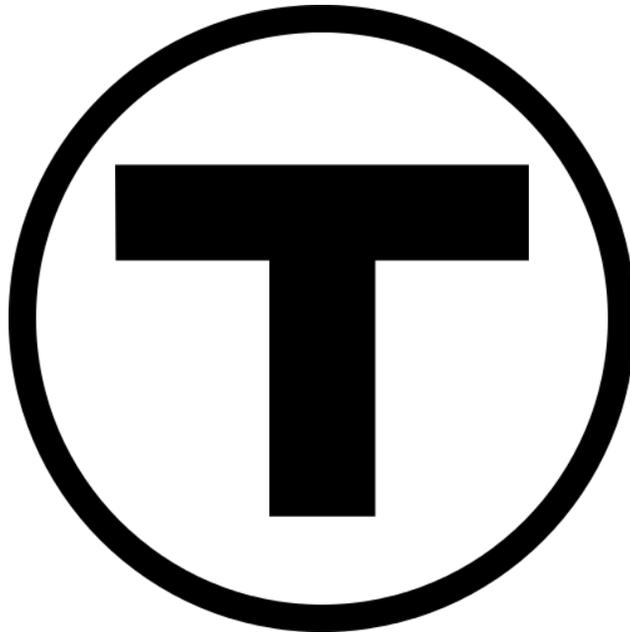


MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY
SUBWAY PERFORMERS PROGRAM

APPLICATION

Effective as of December 8, 2003



Updated July 15, 2014

20 Park Plaza, Suite 1120
Boston, MA 02116

Phone: 617-316-1654
Fax: 617-316-1655
Website: www.mbtarealty.com

IMPORTANT NOTICE

Subway Performer Program Update July 15, 2014

Dear Performer:

The Massachusetts Bay Transportation Authority developed this Subway Performers Program *effective as of December 8, 2003*. Please read this information carefully as it affects your ability to perform on MBTA property. Massachusetts Realty Group is the MBTA's designated representative and manager for the Subway Performers Program. Massachusetts Realty Group will be your contact for this program at the following location:

**Massachusetts Realty Group
20 Park Plaza, Suite 1120, 11th Floor
Boston, MA 02116**

Subway Performers will be required to obtain a Subway Performer permit and ID badge. You must have the permit with you and wear the ID badge while you are performing on MBTA property. Approved performance locations in the MBTA transit stations are identified by signage. Performances in other areas will not be permitted.

To obtain a new permit and badge, or to renew a permit and badge, please follow these steps:

1. Complete a Subway Performer Permit Application.
2. Complete a Massachusetts Bay Transportation Authority Access Privilege Application (the "APA") (included as part of the attached Permit Application).
3. Present two (2) forms of positive identification: a Government issued ID (e.g., a passport, driver's license, military ID) with a recent photo and one other form of ID. If you are not a US Citizen you must show proof of legal residency or visitor status with either a Visa or Green Card.
4. Provide one (1) piece of mail with a post-mark date within the last 30 days.
5. Deliver a Money Order for \$25.00 made payable to the MBTA. **NO** cash, personal checks, or credit cards will be accepted.

When you have all of the requirements listed above, ***please call Massachusetts Realty Group at (617) 316-1654*** to make an appointment to deliver your paperwork on Monday through Friday between 9 AM and 3 PM. ***We will take your picture for your Subway Performer ID badge when you deliver your paperwork.*** Your permit and ID will be mailed to you within 10 to 14 days.

Sincerely,

Ellen Bello

Massachusetts Realty Group

GREYSTONE

Subway Performers Program

POLICY: The primary mission of the Massachusetts Bay Transportation Authority (“MBTA”) is to provide safe, convenient, timely, cost effective and reliable public transportation services to over 1 million people daily. Any noise levels or activities that interfere with service announcements, train arrivals and departures, berth and platform locations, schedule changes, emergency announcements or security alerts will not be allowed. Similarly, passenger circulation routes and station “lines of sight” must remain clear and unobstructed. Controlling the activity of subway performers is an essential element in completing this mission.

PURPOSE: The purpose of this policy is to promote safety by establishing procedures that ensure a well-managed and coordinated Subway Performers Program.

SCOPE: The policy applies to all individuals applying for and being issued an MBTA Subway Performer Permit.

GENERAL GUIDELINES

- The MBTA allows Performers to perform at designated performance areas throughout the transit system (see attached list of station locations) on a daily basis (“Performance Areas”). Each Performer must cease performing and leave the station by 11:00 pm or posted station closing time, if earlier. With reasonable notice to performers, certain Performance Areas may be limited to certain hours in the interest of public safety.
- A sign on the wall that identifies the *Performance Area* that is reserved for Performers with an authorized MBTA performer’s permit. Performance Areas are available on a first-come, first-serve daily basis.
- Each Performer must obtain a photo ID badge from the MBTA prior to any performances.
- Group Performers must apply individually.
- Each permit is good for twelve (12) months beginning on the date of issue. The permit expiration date is noted on the permit.
- Each Performer must sign the MBTA Subway Performer Licensing Agreement and General Release.
- Each Performer applying for a permit must be at least eighteen years of age.
- The following requirements are necessary to obtain a performers permit:
 1. Two (2) forms of positive Identification: a government issued ID (e.g., passport, driver’s license, military ID) with a recent photo and one other form of ID. If you are not a US citizen you must show proof of legal residency or visitor status with either a visa or green card. (Name and address shall be verified against the documentation shown by the individual submitting the application form)
 2. One (1) piece of mail with a post-mark date within the last 30 days
 3. A money order for \$25.00 – NO cash, personal checks, or credit cards will be accepted.
- Permit Applications may be obtained via the MBTA website www.mbta.com and the link to Customer Support/Business Center.

****Applicants must first call (617) 316-1654 to schedule a time to apply for permit (no walk-ins).**

- Permit Applications should be delivered to Massachusetts Realty Group, 20 Park Plaza, Suite 1120, 11th Floor, Boston, MA 02116. Applicants must first call (617) 316-1654 to schedule a time to apply for a permit (no walk-ins please).
- A penalty fee of \$25.00 will be charged on all requests for replacement of missing photo permits, and a thirty-day waiting period is required before replacement permit is issued.
- A Performer's permit cannot be used to gain access to a station in lieu of paying the appropriate fare.
- The MBTA reserves the right to limit or restrict the use of specific instruments / accoutrements.
- The MBTA prohibits trumpets or trumpet-like instruments, and drums, as they are not suitable for the subway environment. The prohibition does not include trombones, saxophones, tubas, baritones, and French horns.
- The MBTA shall prohibit performers or groups of performers from generating noise levels exceeding the sound level of 80 db(A) measured at a distance of twenty-five feet from the performer or group of performers. All noise measurements shall be taken within the station and shall not include noise generated by moving trains or public address announcements but shall include all other station noise. A performer or group of performs may use sound amplification as long as the 80 db(A) sound level is not exceeded.
- In the event that a Performer violates the terms of the agreement (e.g., exceeds decibel level, blocks passenger flow, disturbs commuters, etc.) the Performer will be issued a warning by an MBTA Police Officer or MBTA supervisory personnel. For a second offense, the permit will be revoked. The Performer must cease performance activity, give the permit to the requesting MBTA Official upon request, and leave the station. Failure to do so could be considered trespassing. Performers, whose permits have been revoked, may re-apply through an appeals process for another permit after a 30-day period. If a performer is successful on appeal, all fees and terms associated with a new permit will apply.

Performers who wish to appeal the revocation of a permit or protest an existing policy may do so through an appeals process. Appeals will be heard by a subway line chief (or designated agent) and a representative of the Massachusetts Realty Group (the entity responsible for issuing permits), and a representative of the arts community. Formal appeals must be made in writing, and sent to the Massachusetts Realty Group.

- At the end of the twelve-month permit effective period, each Performer is required to obtain a new permit according to the procedures outlined above. The MBTA makes no guarantee as to space and availability when renewing a permit.
- The MBTA Real Estate Department and its designated management representative control the administrative activities for this program. Operations, the MBTA Police, the Safety Department, and other appropriate MBTA departments will monitor Performer activity in stations. From time to time, the MBTA, because of operational concerns, public safety concerns, emergencies or other contingencies, may require Performers to relocate or to evacuate the station, at which times Performers are required to follow MBTA orders pertaining to relocation or evacuation.

I have received a copy of this MBTA Subway Performers Program Policy.

 Performer's Printed Name

 Performer's Signature

Date: _____

Subway Performers Program
Rules of Conduct Governing Performers' Performance

The continued success of the Subway Performers Program is dependent upon each Performer following the rules and regulations that have been established by the Massachusetts Bay Transportation Authority ("MBTA").

1. Each Performer must be neat in appearance.
2. Each Performer must play in the proper designated Performer Locations. Performers playing in non-authorized locations will have their permits revoked. If another Performer is already in the Performance Location reserved for Performers, the second arriving Performer must leave and go to another reserved unoccupied Performance Location in either that station or another station before beginning his/her performance. Only one Performer (lone performer or group) at a time is allowed in a designated Performance Location.
3. Each performer must keep the designated area clean and free of clutter. Each Performer must remove all trash from the performance area after the conclusion of each performance
4. Each Performer is prohibited from impeding the safe flow of passengers entering, existing or moving within the stations.
5. Each Performer must cease performing while station and/or train announcements are being made. Performers must be aware of noise level and activity in the station environment and not allow their performance to interfere with service announcements, train arrivals and departures, berth and platform locations, schedule changes, emergency announcements or security alerts.
6. Any noise levels or activity that interferes with passenger, vendor and/or employee comfort will not be allowed. The MBTA shall prohibit performers or groups of performers from generating noise levels exceeding the sound level of 80 db(A) measured at a distance of twenty-five feet from the performer or group of performers. All noise measurements shall be taken within the station and shall not include noise generated by moving trains or public address announcements but shall include all other station noise. A performer or group of performers may use sound amplification as long as the 80 db(A) sound level is not exceeded
7. Each Performer must have a Performers Permit as prescribed by the MBTA. Each permit must be clearly visible while the Performer is performing.
8. Each Performer may display and sell recordings of his/her own music while performing. The name of the Performer printed on the MBTA issued Performers Permit must be clearly printed on all items being sold.
9. Each Performer must refrain from active solicitation and harassment of MBTA customers.
10. Each Performer is strictly prohibited from playing his/her own music or the music of another artist on a "boom box" or other electronic device for the sole purpose of generating cash sales. This does not constitute a "musical performance" for which a permit is granted.
11. Each Performer is prohibited from using drums, trumpets or trumpet-like instruments, as they are not suitable to the subway environment. Note: the use of a keyboard to simulate drum sounds is prohibited. The prohibition does not include trombones, saxophones, tubas, baritones, and French horns.
12. Performers are not allowed to use any MBTA power source.
13. Each Performer must follow the orders of MBTA station officials at all times, especially orders to relocate or evacuate the station.

14. Each Performer must cease performing and leave the station by 11:00 pm, or posted station closing time, if earlier. In addition, certain Performance Areas may be limited to certain hours. All musical instruments and other equipment must be removed from the station by that time.
15. Each Performer is strictly prohibited from using or carrying illegal drugs and/or alcohol while on MBTA property.
16. Each Performer is strictly prohibited from smoking while on MBTA property.
17. Each Performer is strictly prohibited from carrying or storing firearms while on MBTA property.
18. Group performances are limited to an appropriate number of Performers. The number of Performers to be determined by the MBTA.
19. In the event that a Performer's permit is rescinded, said Performer will be informed personally by an appropriate MBTA Official (e.g., MBTA Police Officer, Station Official, Manager) that his/her permit has been rescinded and that the permit will be confiscated at that time. Upon notification that a Performer permit has been rescinded said Performer must cease performer activity and give the permit to the requesting MBTA Official. Failure to do so could be considered trespassing. Confiscated Performers permits will be forwarded to the administrator of the Performers' Program.
20. IN AN EMERGENCY SITUATION REMEMBER TO: Remain calm, follow the directions of station officials and public address announcements, and notify an MBTA official or the MBTA Police of unusual behavior (617) 222-1212).
21. Every individual performing on MBTA property must have a secondary means of government-issued positive identification on his or her person. This secondary I.D. must have a current picture (e.g., driver's license, passport, or other government-issued identification) in the event that an MBTA Station Official or Police Officer needs to verify the validity of that individual's Performer's photo identification badge.
22. All station Performers must be made aware that the MBTA Operations, Police and Safety Departments and other appropriate departments will monitor Performer activity in the stations. Such monitoring includes ensuring compliance with the MBTA's photo identification badge policy (i.e., that all Performers wear a badge that is clearly visible). Any Performer approached by an MBTA authorized employee shall, upon request, present his/her Performer Permit badge and/or government-issued identification to the MBTA employee.
23. Any station Performer failing to produce his/her Performer photo identification badge and/or other government issued photo id upon request of an MBTA employee shall be asked to cease Performer activity and leave the station until such time that they have the proper Performer photo identification on their person.
24. The Authority prohibits the transport of flammable liquids and combustible gases (e.g., cans of gasoline/propane, powered generators, etc.) in stations and on revenue service vehicles.
25. Any violation of the above rules and regulations could seriously jeopardize a Performer's permit, including the rescinding of the permit and the denial of any future permit requests.
26. The MBTA reserves the right to amend, modify or supplement these rules at any time without notice.
27. I have received a copy of these rules and regulations, have read, understand, and agree to comply with the above rules and regulations while on MBTA property. Should I violate any of the Rules and Regulations, I understand that the MBTA may terminate my permit.

Initials: _____

Subway Performer Permit Application

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number-Home: _____ Business/Cell: _____

Email: _____ Date of Birth: _____

U.S. Citizen: Yes _____ No _____ If No, clarify: _____

Applicants must provide two (2) forms of positive Identification: a government issued ID (e.g., passport, driver's license, military ID) with a recent photo and one other form of ID.

Name and address shall be verified against the documentation shown by the individual submitting the application form. In addition to the two forms of identification, the applicant must produce a piece of mail with a cancellation date within the past 30 days. The MBTA will mail the permit, ID badge and any other correspondence to the address shown above.

Applicants who are not U.S. citizens must provide proof of legal residence or visitor status with either a visa or green card.

Musical instrument(s) intended for use: _____

Musical background (e.g., training and playing experience): _____

General musical repertoire (jazz, classical, folk, country, blues, etc.): _____

References (must provide two; personal or business):

Name: _____ Telephone No. _____

Address: _____

Name: _____ Telephone No. _____

Address: _____

Applicant Signature: _____ Date: _____

For Office Use Only
Date permit issued:
Date permit denied:

Massachusetts Bay Transportation Authority
Access Privilege Application (March 2009)

Promoter, Vendor, Vendor Employee, and Musical Performer

Name: _____
Last First Middle

Other Names Used: (if any) 1. _____ 2. _____

Nicknames: _____ Maiden Name: _____

Home Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____

Email: _____ Driver's License # _____
State

Date of Birth: _____ Place of Birth: _____

Social Security Number: _____ Height: _____ Weight: _____ Eye Color: _____

Are you a U.S. Citizen? YES _____ NO _____ If no, Employment Authorization # _____

Resident Alien Card # _____

***A copy of one (1) government-issued photographic identification card must accompany this application. (e.g., driver's license, passport, military identification)

The Massachusetts Bay Transportation Authority Transit Police has been certified by the Massachusetts Department of Criminal Justice Information Services for access to conviction and pending criminal case data. As a promoter, vendor, vendor employee, musical performer, I understand that a criminal record check will be conducted for conviction and pending criminal case information.

By submitting this application and signing below, I hereby authorize the Massachusetts Bay Transportation Authority Police Department to conduct a criminal records check and verify all information in connection with this application and agree to release and hold harmless the Massachusetts Bay Transportation Authority and its Police Department from and against all liabilities arising out of information received.

Applicant's Name Date

MBTA access privileges may be denied for, but not limited to, the following:

- Felony convictions within the last seven years, from the time restitution, fine, sentence, etc., was completed. Convictions older than seven years will be considered on a case by case basis. (Conviction shall mean pleading guilty, no contest or continued without a finding, etc.)
- Controlled substance events in past seven years.
- Crimes involving dishonesty, theft, or fraud are disqualifying events, other issues will be considered on a case by case basis.
- Incarceration within last five years.
- Improper immigration status
- Criminal sexual activity or sexual offenses
- Providing false information or information that cannot be verified
- Information that reveals association with matters that may affect homeland security
- After a review of the background data, there exist other compelling reasons that the individual should be denied access privileges.

I, the undersigned, certify that all the statements made in this application are true and made in good faith. I understand that if I, knowingly, misstated any fact or failed to report a conviction, I am subject to prosecution under title 18 of the United States Code and denial or revocation of all Massachusetts Bay Transportation Authority station privilege and any previously issued identification badges.

Applicant's Name **Date**

I also certify my understanding that I am required to report any subsequent convictions of the offenses listen above, and I must surrender my Identification Badge to the Massachusetts Bay Transportation Authority Transit Police Department within twenty-four (24) hours.

Applicant's Name **Date**

Permit # _____

MBTA Subway Performer Permit

The Massachusetts Bay Transportation Authority ("MBTA"), a body politic and corporate and political subdivision of the Commonwealth of Massachusetts, with a usual place of business at 10 Park Plaza, Boston, Massachusetts, grants permission to _____ ("PERFORMER"), with a usual place of business/residence at _____, (Street Address) in _____ (State), to enter upon MBTA property at designated locations, which are identified by a sign on the wall that states that the location is reserved for Performers with an authorized MBTA permit ("Performance Area"). Note: Performance Area locations are available on a first-come, first-serve daily basis for the period of time commencing _____ through _____ for the sole purpose of performing as permitted herein.

By acceptance of this PERMIT, the PERFORMER agrees to indemnify and save harmless the MBTA from and against any and all liabilities, losses, damages, costs, expenses, including reasonable attorney's fees and expenses, and all causes of action suits, claims, demands or judgments of any nature whatsoever ("CLAIMS") that is or may be attributed to the actions of the PERFORMER, its officers, employees or agents, while upon the Performance Areas at designated Performance Areas, which are identified by a sign on the wall that states that the Performance Location is reserved for performers with an authorized MBTA permit. During the term of this PERMIT, the PERFORMER accepts the Performance Areas in as-is condition. In addition, the PERFROMER shall save the MBTA harmless from any claims against the MBTA from its employees, officers or agents for injuries (including death) suffered by them because of the condition of the Performance Areas.

Performer agrees to abide by the "Rules of Conduct" attached as Exhibit A. Failure to abide by Rules of Conduct may result in revocation or suspension of this permit, at the sole discretion of the MBTA.

By acceptance of this PERMIT, the PERFORMER agrees to restore the Performance Area to the condition that it was in at the time of the commencement of the performance.

The MBTA shall not be liable to the PERFORMER for merchandise, equipment of personal property arising out of the PERMIT hereby granted, or for damages suffered by PERFORMER while on the Performance Areas. The PERMIT at all times will remain the property of the MBTA.

I have read the above PERMIT and I agree, by signing below, that in consideration of the Massachusetts Bay Transportation Authority granting permission, I am hereby assuming all risk of injury to myself (including death) and all loss of or damage to my property resulting from being upon or about the Performance Areas on behalf of myself, my executor or administrator or assigns and heirs at law and next of kin, hereby release and forever discharge the MBTA, its successors and assigns from any and all claims, demands, damages, actions, and causes of action which might in any way arise out of injury to me (including death) or loss of or damage to my property resulting from being upon or about said Performance Areas, whether due in whole or in part to the acts or omissions, negligent or otherwise, of the officers, agents, servants, licenses or invitees of the MBTA or otherwise.

**MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY**

PERFORMER

Print Name

Print Name

Signature of MBTA Designated Representative

Performer's Signature

Date: _____

EXAMPLE OF MAIL DELIVERED TO YOU WITHIN THE LAST 30 DAYS

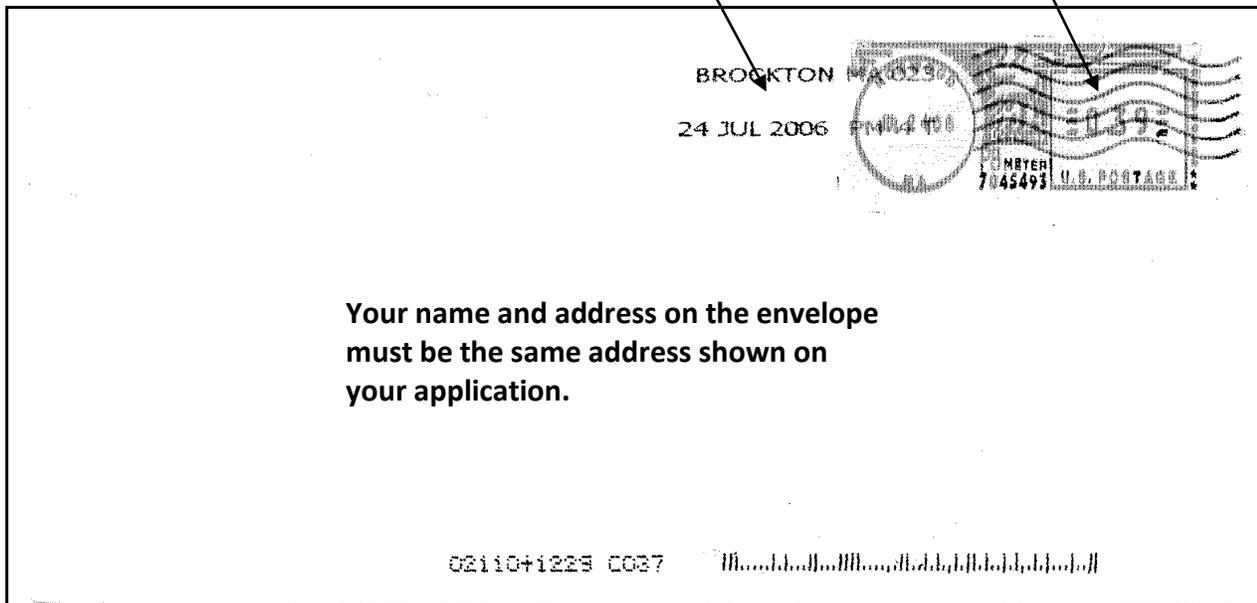
You must bring a piece of mail addressed to you, along with the envelope, post marked within the last 30 days, and showing the United States Postal Service cancellation through the stamp.

The mailing address on the piece of mail must be the same address shown on your application.

See sample below.

**Postmark must be within
the last 30 days**

**Postage must be cancelled
by the USPS**



DIRECTIONS TO MASSACHUSETTS REALTY GROUP



PUBLIC TRANSPORTATION

Green Line (Arlington T Stop)

From Arlington Street T stop, walk a short distance south on **Arlington Street** toward Providence Street. Turn left onto **Park Plaza**. **20 Park Plaza** is on the right.

Green Line (Boylston T Stop)

Start out going south on Tremont Street. Then turn right and go west on **Boylston Street** towards **Charles St S**. Turn left onto **Charles S/Park Plaza**. Turn right onto **Park Plaza**. **20 Park Plaza** is on your left.

From I-93 North

Take **exit 20A** toward **South Station**
Merge onto **John F Fitzgerald Surface Rd/Surface Rd**
Turn right onto **Kneeland St**
Continue to follow **Stuart St**
Turn right onto **Charles St S**
Take the 1st left onto **Park Plaza**
You may enter the Park Plaza Office Building via the **20 Park Plaza** entrance or by the **21 Columbus Avenue** entrance.

From I-93 South

Take **exit 20** towards Worcester
Continue onto **Lincoln St**
Turn left onto **Kneeland St**
Slight left onto **Stuart St/Washington St**
Turn right onto **Charles St S**
Take the 1st left onto **Park Plaza**
You may enter the Park Plaza Office Building via the **20 Park Plaza** entrance or by the **21 Columbus Avenue** entrance.

Back Bay Train Station

Turn right onto **Dartmouth Street**. Turn right onto **Stuart Street**. Walk down **Stuart St** towards **Columbus Ave**. Cross over **Arlington Street** onto **Columbus Ave**. Enter **20 Park Plaza** at **21 Columbus Ave**.

All visitors are required to show a photo ID at the Security Desk in the lobby of 20 Park Plaza to access Massachusetts Realty Group, Suite 1120, 11th Floor.