



**Waiver and Release of Liability
Assumption of Risk and Indemnity Agreement**

In consideration of being permitted to enter upon and tour MTA premises located at East Side Access.

I _____ affirm that I am at least 18 years old and agree as follows.
[PRINT NAME]

Understanding Some Inherent Risks

I know that my tour may include walking long distances through deep underground caverns and tunnels, walking over rough terrain, climbing and descending stairs and ladders, and traveling through areas under active construction where heavy and dangerous equipment may be operating. I also know that my tour may include walking through areas where trains and other equipment may be in operation, and that the electric traction power system (the “third rail”) may remain on or “live” during my visit. I recognize that injury, illness, death, or property damage may be caused by the physical conditions of the premises; the acts or omissions of other participants; my own acts, omissions, and physical condition; or other unforeseeable factors. I also recognize that due to the nature and remoteness of the caverns and tunnels, emergency medical aid may not be readily available. I affirm that I am mentally and physically capable of participating on the tour.

Assumption of Risk

I know that touring the active construction sites of the Metropolitan Transportation Authority (the “MTA”, collectively and individually MTA New York City Transit, MTA Metro-North Railroad, MTA Long Island Rail Road, MTA Bridge & Tunnels, MTA Long Island Bus, MTA Bus and MTA Capital Construction) is an inherently hazardous activity involving a risk of personal injury, illness, death and property damage. I understand that the MTA does not guarantee my safety. I agree to assume this risk.

Waiver of Rights and Release from Liability

I release the City of New York, the State of New York, MTA, and their respective members, officers, agents, employees or anyone serving as leader or assistant for this tour from all liability for my injury, illness, death or property damage as a result of my participating in the tour, regardless of whether the loss was due to their negligence. I also waive every right to bring a claim against them that arises out of my participation in the tour.

Prohibition to take photographs at the project site or distribute MTACC photos, videos, and project information which are provided as part of the tour

Photography of MTACC projects and premises is not allowed. However, the designated tour leader may allow for a group photograph at a predetermined location and time. Participants on tours will only be allowed to take a photo when authorized to do so by the tour leader.

MTACC prohibits posting on any digital channel, distributing, or using commercially any photographic images, videos, and project information, which are proprietary. This includes ANY material that have been posted, emailed, or made available to individuals who are participants in MTACC sponsored tours, activities and events.

Release for Use of Image

I agree that photos or video images of my participation may occur on this tour. I authorize/release use of my image in photographs, video and depictions which are derived or created while a participant on MTACC sponsored tours, meetings or activities.

Indemnification

I agree to indemnify, defend, and hold harmless the City of New York, the State of New York, MTA, the State of Connecticut, Midtown Track Ventures LLC, and Midtown TDR Ventures and their respective members, officers, agents, employees or anyone serving as leader or assistant for this tour against claims or liability for injury, illness, death or property damage that are attributable in whole or in part to my negligence, acts or omissions while participating in the tour.

I understand that the waiver, release, and agreements are binding upon me and my heirs, executors, administrators, agents, and assigns. I sign it voluntarily.

Date/s: _____

Tour Group: _____

Legal Name: _____

Please print

Signature: _____

Advisements on Apparel

Proper attire for an active construction site must be worn at all times. MTACC will deny entry if you are not wearing proper attire or refuse to wear the safety equipment given to you.

We suggest wearing comfortable pants (jeans preferably), shirts with a sleeve length of at least six inches, and waterproof footwear with flat, treaded soles and closed toes. Proper shoes must be worn on all MTACC projects. Sneakers, flip-flops, athletic shoes, sandals, high-heeled and dress shoes are examples of shoes that may **NOT** be worn. Shoes should be of sturdy construction, such as work boots. Regarding attire, NO shorts, capris, skirts, or dresses are allowed.