

CHAPTER 82

**EXAMINATION AND DUPLICATION
OF NJ TRANSIT RECORDS**

Authority

N.J.S.A. 27:25-5(e) and 47:1A-1 et seq.

Source and Effective Date

R.2005 d.369, effective November 7, 2005.
See: 37 N.J.R. 1011(a), 37 N.J.R. 4314(a).

Chapter Expiration Date

Chapter 82, Examination and Duplication of NJ TRANSIT Records, expires on November 7, 2010.

Chapter Historical Note

Chapter 82, Examination and Duplication of NJ TRANSIT Records, was adopted as R.1989 d.462, effective September 5, 1989. See: 21 N.J.R. 284(b), 21 N.J.R. 2804(b). Pursuant to Executive Order No. 66(1978), Chapter 82 expired on September 5, 1994.

Chapter 82, Examination and Duplication of NJ TRANSIT Records, was adopted as new rules by R.1994 d.534, effective October 17, 1994. See: 26 N.J.R. 2871(b), 26 N.J.R. 4210(a). Pursuant to Executive Order No. 66(1978), Chapter 82 expired on October 17, 1999.

Chapter 82, Examination and Duplication of NJ TRANSIT Records, was adopted as new rules by R.2000 d. 111, effective March 20, 2000. See: 31 N.J.R. 4226(a), 32 N.J.R. 1039(a).

Chapter 82, Examination and Duplication of NJ TRANSIT Records expired on September 16, 2005 and was adopted as new rules by R.2005 d.369, effective November 7, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:82-1.1 Purpose

The New Jersey Transit Corporation (NJ TRANSIT) and its subsidiaries are responsible for provision of rail, bus and light rail services in the State of New Jersey. As a State instrumentality, NJ TRANSIT must make its public records available, for examination and duplication, to requesting members of the public. This includes legal demands and subpoenas. This chapter governs the examination and duplication of NJ TRANSIT public records.

16:82-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Fee” means the assessment of administrative costs plus any applicable costs of record duplication.

“NJ TRANSIT” means the New Jersey Transit Corporation or any of its subsidiaries.

“NJ TRANSIT public records” means “public records” as defined in N.J.S.A. 47:1A-1 et seq. and 27:25-20.

SUBCHAPTER 2. REQUIREMENTS

16:82-2.1 Examination of NJ TRANSIT public records

(a) All NJ TRANSIT public records may be examined by members of the public either by appointment during the regular business hours of the Custodian of Records or by requesting to inspect such records during the regular business hours maintained by a particular custodian of any such records. Every citizen of the State also has the right to purchase copies of these public records. The Custodian of Records will determine the appropriate office where the records may be examined or obtained unless the member of the public demands that the records be made available at the exact location where the records are maintained.

(b) The right of examination of public records pursuant to N.J.S.A. 47:1A-3 may be denied in cases where the records being sought for examination pertain to any investigation by NJ TRANSIT in progress, if the inspection, copying, or publication of these records is inimical to the public.

16:82-2.2 Non-public records

(a) Certain records are not considered “NJ TRANSIT public records.” These records are not available for examination in accordance with N.J.S.A. 47:1A-1 et seq. A public record is defined as any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include interagency or intra-agency advisory, consultative, or deliberative material.

(b) Board items contained in the minutes of closed executive sessions, and all material forming the background for such board items, may be withheld from disclosure until the reason for discussing the item in closed session no longer exists.

(c) Portions of "non-public" records may be made available for examination or copying at the discretion of the Custodian of Records.

16:82-2.3 Administrative fees

(a) The citizen requesting to examine NJ TRANSIT public records shall pay fees established by NJ TRANSIT as set forth in this section.

(b) Costs are as follows:

1. For copies of 8 1/2 inch by 11 inch and 11 inch by 14 inch:
 - i. First page to 10th page, \$0.75 per page;
 - ii. Eleventh page to 20th page, \$0.50 per page;
 - iii. All pages over 20, \$0.25 per page.
2. For magnetic tapes, computer-sized paper, maps, charts, etc., costs are vendor's charge, that is, fees charged by an outside firm to make copies.

(c) If the Custodian of Records finds that there is no risk of damage, mutilation, or loss of such records, and that it will not be incompatible with the economic and efficient operation

of NJ TRANSIT and the transaction of its public business, he or she may permit any citizen who is seeking to copy more than 100 pages of records to use his or her own photographic process, approved by the Custodian of Records, upon the payment of a reasonable fee, considering the equipment and the time involved, of not less than \$10.00 or more than \$50.00 per day.

(d) When the Custodian of Records makes available records that involve a significant amount of research and investigation, additional charges may be imposed to reimburse NJ TRANSIT for the cost of conducting this research and investigation. Cost will be calculated on a worker/hour basis. These charges will be in addition to the charges in (b) and (c) above.

16:82-2.4 Procedure for copy request or record examination

A private citizen may request a copy of a NJ TRANSIT public record, or make an appointment to examine such a record, by contacting:

NJ TRANSIT
Custodian of Records
One Penn Plaza East
Newark, NJ 07105
Telephone: (973) 491-7453

Amended by R.1994, d.534, effective October 17, 1994.
See: 26 N.J.R. 2871(b), 26 N.J.R. 4210(a).