

**CHAPTER 83**  
**CONDUCT AND SAFETY OF THE PUBLIC IN**  
**THE USE OF NJ TRANSIT EQUIPMENT**  
**AND FACILITIES**

**Authority**

N.J.S.A. 27:25-5(e), (k), and (l).

**Source and Effective Date**

R.1998 d.55, effective December 18, 1997.  
 See: 29 N.J.R. 4258(a), 30 N.J.R. 379(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 83, Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities, expires on December 18, 2002.

**Chapter Historical Note**

Chapter 83, Conduct and Safety of the Public in the Use of NJ Transit Equipment and Facilities, was adopted as R.1993 d.42, effective January 19, 1993. See: 24 N.J.R. 3674(a), 25 N.J.R. 323(a).

Pursuant to Executive Order No. 66(1978), Chapter 83, Conduct and Safety of the Public in the Use of NJ Transit Equipment and facilities, was readopted as R.1998 d.55, effective December 18, 1997. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**16:83-1.1 Purpose; scope**

The New Jersey Transit Corporation (NJ TRANSIT) and its subsidiaries are responsible for the provision of rail and bus services in the State of New Jersey. NJ TRANSIT owns and operates equipment (railcars and buses) and facilities. The facilities include, but are not limited to, rail and bus stations or terminals. NJ TRANSIT's major stations and terminals are centers of activity through which large numbers of people pass each day. NJ TRANSIT receives requests from the public for permission to exercise their constitutional rights of expressions at such stations and terminals. NJ TRANSIT, through this chapter, informs the public of how they can exercise their rights on or about NJ TRANSIT facilities and the procedures to be followed in exercising such rights. NJ TRANSIT also delineates, in this chapter, the standards of behavior to be followed at all facilities and in regard to all equipment of the NJ TRANSIT Corporation. It is NJ TRANSIT's intent that any and all applicable provisions of the New Jersey Code of Criminal Justice (Title 2C of the New Jersey Statutes) or the motor vehicle and traffic laws of New Jersey (Title 39 of the New Jersey Statutes) as well as any other applicable statutes shall continue to be enforceable in accordance with law.

Amended by R.1998 d.55, effective January 20, 1998.  
 See: 29 N.J.R. 4258(a), 30 N.J.R. 379(a).

Added the eighth sentence.

**16:83-1.2 Definitions**

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

“Block” means to interfere with free passage or to hinder the usage of so as to deny availability or application of purpose of a portion of property, real estate, facility or equipment.

“Certificate of Registration” means the document authorized by a designated NJ TRANSIT official which delineates the restrictions as to specific times, specific locations, and certain conditions under which a person may carry out noncommercial, public expression at the specified NJ TRANSIT facility (see Appendix A, incorporated herein by reference).

“Certificate of Registration holder” means a person who holds a valid daily Certificate of Registration.

“Commercial expression” means any public expressive conduct that solely proposes a commercial transaction including, but not limited to, the sale, offer, promotion, peddling, vending, advertisement or display of goods and/or services.

“Disrupt” means to act to hinder, interfere, upset, impede or otherwise oppose the orderly accomplishment or pursuit of a task, duty or objective or to interrupt the proper and normal course of any independent lawful activity.

“Equipment” means any railroad, NJ TRANSIT locomotive, engine, passenger car, coach, trolley, street railway car, bus, motor coach, crane, construction or emergency device or other passenger conveyance. Additionally, “equipment” as used in this chapter, unless a different meaning is clearly applicable, means and includes any NJ TRANSIT “Motor Vehicle” as defined under Title 39, Motor Vehicle and Traffic Laws of New Jersey.

“Expressive area” means designated portions of specific NJ TRANSIT facilities where a Certificate of Registration holder may locate and may exercise non-commercial public expression.

“Facilities” means all stations, and/or terminals owned or operated by NJ TRANSIT under contract, lease or other agreements or arrangements, including joint service arrangements. Further, the term “facilities” shall mean rights of way and related trackage and sidings, rails, catenary systems, depots, yards, tunnels, bridges, structures, storage areas, parking areas, offices, buildings, signal and communications systems and networks, dispensing machines, signal power, fuels, power plants, emergency exits, ventilation systems, signage, lighting, repair and maintenance shops and other real estate operated, used, owned, leased, held or occupied by NJ TRANSIT for or incidental to the operations, rehabilitation or improvement of rail and/or bus operations in the State of New Jersey.

“Knowingly” means that with the knowledge or the awareness of one’s conduct, or of the existing circumstances, that a certain result will occur from such conduct or as a result of such circumstances.

“Non-commercial expression” means the public exercise of rights which concern political, social, religious or other issues to the extent that such expression is protected by the United States or State Constitutions, as applicable. Non-commercial public expression includes, but is not limited to, leafleting, public speaking and solicitation of contributions for religious, political or charitable causes. This definition is not intended to apply, and does not apply to talking, reading, wearing political buttons or other forms of private expressions which are permitted throughout the public areas of facilities and equipment. Any advertisement or solicitation that solely proposes a commercial transaction is expressly excluded.

“Obstruct” means to walk, run, stand, sit, lie, drive or place an object in such a manner as to block passage by another person or by a vehicle or to require another person or vehicle to take evasive action to avoid physical contact.

“Official” means any person or persons designated by NJ TRANSIT to have supervisory and/or operational authority and responsibility for NJ TRANSIT facilities and/or equipment, or any portion thereof.

“Person” means any person, individual or individuals, corporation, society, organization, company, association, partnership, firm, or other entity.

“Personal notice” means an oral, or spoken, communication directed to an individual or a group of individuals from an NJ TRANSIT official.

“Police officer” means any member of the NJ TRANSIT Police Department, or any other law enforcement officer who has jurisdiction in the facility or on the equipment in which a violation of these rules shall occur.

“Possess” means to have or to exercise control or command over any item, device, tool, product or matter.

“Public area” means such portions of NJ TRANSIT facilities and equipment which are routinely and normally accessible to members of the public and are adapted to provide for the convenience of persons utilizing the incidental services of NJ TRANSIT.

“Purposely” means intentionally, deliberately or with the objective, design or plan to participate in such conduct which is known or expected to or is likely to cause a certain or specific result.

“Restrict” means to confine or set limits or to hold within bounds and limitations. Additionally, the term “restrict” shall include the exclusion of designated persons or groups.

“Restricted area” means such portions or portion of NJ TRANSIT facilities and equipment which are separately secured, locked, fenced, posted or otherwise adapted so as to put persons on notice that unauthorized entry is not permitted. Additionally, “restricted area” shall include portions of NJ TRANSIT facilities which are the subject of notification by personal communication, public announcement or appropriate signs that such areas are temporarily not to be entered and/or remained upon.

Amended by R.1998 d.55, effective January 20, 1998.  
See: 29 N.J.R. 4258(a), 30 N.J.R. 379(a).

Deleted definitions of “Controlled Dangerous Substances” and “Drug paraphernalia”.

### 16:83-1.3 Commercial expression

(a) A contract with NJ TRANSIT shall be required of any person or organization seeking to engage in commercial expression at any facility.

(b) Information concerning contracts for commercial expression is available by contacting the following:

NJ TRANSIT  
Real Estate Department  
One Penn Plaza East  
Newark, New Jersey 07105-2246

(c) Personal access to vehicles or equipment, whether stationary or mobile, for the purpose of conducting commercial expressive activities, shall be prohibited.

(d) Nothing in this chapter shall be construed as impairing or expanding any right which NJ TRANSIT lessees or licensees may otherwise have to regulate access to those areas under their control by virtue of their interest in the premises.

#### 16:83-1.4 Non-commercial expression

(a) NJ TRANSIT, in this chapter, sets forth limitations on the times, places and manner of non-commercial expression at the passenger facilities specified at N.J.A.C. 16:83-2.2(d), to ensure that the orderly and safe flow of pedestrians and vehicles is not obstructed and that the normal operations of business are not unduly disrupted. These limitations are not intended to apply, nor do they apply, to talking, reading, wearing political buttons or other similar private forms of expression, all of which are permitted throughout the public areas of NJ TRANSIT facilities and/or equipment.

#### 16:83-1.5 NJ TRANSIT disclaimer

NJ TRANSIT is not responsible for the views and ideas expressed in the conduct of non-commercial expression by a person or organization holding a certificate of registration. Through signs, public announcements and/or personal communication, NJ TRANSIT may advise the public of the presence of a person or organization and may disclaim responsibility for, and/or sponsorship of, that person or organization's cause.

#### 16:83-1.6 Enforcement

If NJ TRANSIT determines that any person's conduct violates any of these regulations, that person shall be subject to such sanctions as deemed appropriate including arrest, fine and/or imprisonment pursuant to the applicable laws and/or ordinances.

Amended by R.1998 d.55, effective January 20, 1998.

See: 29 N.J.R. 4258(a), 30 N.J.R. 379(a).

Rewrote the section.

## SUBCHAPTER 2. CERTIFICATE OF REGISTRATION FOR NON-COMMERCIAL EXPRESSION

#### 16:83-2.1 Non-commercial expression; generally

(a) To accommodate persons and organizations who desire to engage in non-commercial expression at the specified

NJ TRANSIT facilities, the Manager of Stations and Facilities or the Assistant Executive Director (AED), Marketing and Communications or his or her designee will issue Certificates of Registration (Certificates) on a first-come, first-serve basis, to conduct non-commercial expression in the specified areas (as designated on the map attached to the Certificate and on Appendices B-1 through B-10) of the particular NJ TRANSIT facility to persons or organizations who complete the application. If the application is being made on behalf of an organization, the application must state the number of persons requesting a Certificate. These Certificates will be issued without charge, when fully completed and consistent with these regulations subject to availability and limitations of space. These Certificates will be issued as soon as possible upon application in person or by telefax, and within one day of receipt of the completed application by mail.

(b) Applications for Certificates of Registration, and the Certificates of Registration, may be obtained on weekdays between 9:00 A.M. to 5:00 P.M. from:

#### 1. AED, Marketing and Communications

One Penn Plaza East  
Newark, NJ 07105  
Telephone: (973) 491-7076

#### 2. For Newark Penn Station, Trenton Station, Westfield Station and Atlantic City Rail Terminal, from:

The Office of the Manager of Revenue and Facilities  
Penn Station Newark  
Raymond Plaza West  
Newark, N.J. 07102; or

#### 3. For Newark Broad Street Station, Dover Station, Hoboken Terminal, and Summit Station, from:

The Office of the Manager of Revenue and Facilities  
Hoboken Terminal  
One Hudson Place  
Hoboken, NJ 07030

Amended by R.1998 d.55, effective January 20, 1998.

See: 29 N.J.R. 4258(a), 30 N.J.R. 379(a).

In (a) inserted a reference to the Assistant Executive Director, Marketing and Communications; in (b), inserted 1, recodified old 1 to 2 and 2 to 3, deleted former 3; and deleted former (c).

#### 16:83-2.2 Application for Certificate of Registration

(a) The application for a Certificate of Registration, signed by the applicant, shall contain the following:

1. The applicant's name and telephone number;
2. If applicable, the name of the organization which the applicant represents;

3. If more than one Certificate is requested, the name(s) and title(s) of the person(s) who will have supervision of and responsibility for the expressive conduct at the specified facility during the term of the Certificate; and

4. If applicable, a statement that the proposed solicitation or sale of printed matter is for a non-commercial purpose, that is, for contributions which will be used:

- i. By a religious group;
- ii. By a political organization;
- iii. By an organization that has received an Internal Revenue Service determination that it is tax exempt under 20 U.S.C.A. 501(c)(3), (c)(4), or by (i)(5); or
- iv. By an organization duly registered with the State of New Jersey as a charitable organization, in accordance with N.J.S.A. 45:17A-1 et seq.

(b) At the option of the applicant, the applicant's address and/or telephone number may be listed on the application. No applicant shall be required to list an address or telephone number on an application for a certificate of registration for non-commercial expression.

#### 16:83-2.3 Disposition of application; appeal of denial

(a) Upon receipt of the completed application, the appropriate NJ TRANSIT official or designee shall as soon as possible give, telefax or mail the applicant the requested number of Certificates, if available.

(b) If the applicant is denied a Certificate after completing the application, the applicant may as soon as possible appeal this denial by contacting:

Executive Director  
New Jersey Transit Corporation  
One Penn Plaza East  
Newark, N.J. 07105-2246

(c) An appeal shall be made in writing and shall include a statement describing the nature of the appeal and what factual issues, if any, shall be in dispute. As soon as possible after receipt of such appeal, the Executive Director or his or her designee shall conduct a review, if any factual dispute exists, and render a decision. The decision of the Executive Director or his or her designee shall be made in writing and shall set forth the legal and/or factual basis for the decision.

Amended by R.1998 d.55, effective January 20, 1998.  
See: 29 N.J.R. 4258(a), 30 N.J.R. 379(a).

In (a) and (b), substituted "as soon as possible" for "immediately"; and in (c), substituted "As soon as possible" for "Within two business days" and deleted "within one business day thereafter" at the end of the second sentence.

#### 16:83-2.4 Validity of Certificate of Registration

(a) A Certificate of Registration is valid for up to, but not more than, five days. Each certificate is valid up until closing time of the facility. If the facility does not close, the Certificate is valid up to 12:00 midnight of the date(s) appearing on the Certificate, and, if valid the following day, is valid beginning at 6:00 A.M.

(b) Each certificate shall be valid only for the person or organization designated by NJ TRANSIT on that certificate. Certificates shall not be transferred or assigned to another person(s) or organization(s).

(c) NJ TRANSIT may limit the number of valid continuous Certificates of Registration to the maximum number of persons established for the particular facility, as shown on the maps in Appendix B, incorporated herein by reference. The maximum number of persons shall be indicated on the map attached to each Certificate of Registration. If the number of applicants or persons covered by an application of an organization exceeds the maximum number of Certificate of Registration holders indicated on the map of the specified facility, NJ TRANSIT will distribute the maximum number of Certificates on a "first-come, first-served" basis.

(d) Certificates of Registration issued in accordance with this chapter shall be valid only at the facility or facilities specified on the Certificate. These facilities include, but are not limited to, the Newark Broad Street Station, Dover Station, Hoboken Terminal, Newark Penn Station, Summit Station, Trenton Station and Westfield Station and the Atlantic Rail Terminal and Lakewood Garage.

Amended by R.1998 d.55, effective January 20, 1998.  
See: 29 N.J.R. 4258(a), 30 N.J.R. 379(a).

In (d), substituted "include, but are not limited to," for "are" in the second sentence.

#### 16:83-2.5 Limitation of Certificate; access during emergency

(a) NJ TRANSIT may temporarily defer or modify the Certificate for emergent public health, welfare or safety reasons including extraordinary weather, power failures, accidents, disasters, strikes, riot, fire, civil disorder, service disruptions, special NJ TRANSIT-sponsored customer service events or other events which create a dangerous condition in the relevant expressive area or which substantially interfere with the transportation related activities of the facility.

(b) NJ TRANSIT may temporarily grant or restrict public access to its facilities and equipment, or to portions thereof, at its discretion for emergent public health, safety or welfare reasons without prior notice. When there is threat to the public health, safety or welfare, NJ TRANSIT facilities and equipment, or portions thereof, may be closed by any NJ TRANSIT official who has the authority to do so upon personal communication, public announcement or conspicuous signage.

