

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.2003 d.427, effective November 3, 2003.  
See: 35 N.J.R. 1849(a), 35 N.J.R. 5144(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 83, Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities, expires on May 2, 2009. See: 40 N.J.R. 6933(a).

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

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

Chapter 83, Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities, was adopted as R.2003 d.427, effective November 3, 2003. See: Source and effective date.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:83-1.1 Purpose; scope

The New Jersey Transit Corporation and its subsidiaries (NJ TRANSIT) are responsible for the provision of public rail and bus mass transit services in the State of New Jersey. NJ TRANSIT owns, controls and operates equipment (such as railcars and buses), yards and facilities. The facilities include, but are not limited to, rail and bus stations or terminals and are instrumental to NJ TRANSIT's mission to provide and manage mass transit services in New Jersey. NJ TRANSIT's stations and terminals are centers of activity in their respective communities through which many people pass each day. From time to time, NJ TRANSIT receives requests from members of the public for permission to exercise their constitutional rights of expressions at such stations and terminals. NJ TRANSIT, through this chapter, informs and instructs the public how it can exercise its rights on or about NJ TRANSIT facilities and the procedures to be followed in exercising such rights. NJ TRANSIT also sets forth, in this chapter, the standards of behavior to be followed at all facilities, properties and in regard to bus and train equipment of NJ TRANSIT. It is NJ TRANSIT's objective and intent that any and all applicable provisions of the New Jersey Code of Criminal Justice (Title 2C) or the motor vehicle and traffic laws of New Jersey (Title 39) as well as any other applicable statutes of this State shall continue in full force and effect of law. NJ TRANSIT reserves the right to reject any applications for non-commercial speech or expression at NJ TRANSIT facilities where such conduct will impair NJ TRANSIT from conducting its mass transit related business.

16:83-1.2 Definitions

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

“Block” means to interfere with free passage or to hinder usage so as to deny free access, movement, availability or purpose of any portion of NJ TRANSIT 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 on non-commercial, public expression at a specified NJ TRANSIT facility (see chapter Appendix, 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 materially 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, motorcoach, van, crane, piece of equipment or emergency device or 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, yards and/or terminals owned or operated by NJ TRANSIT under contract, lease or other agreements or arrangements, including joint service arrangements. NJ TRANSIT facilities are open to the public only at NJ TRANSIT’s discretion and NJ TRANSIT retains all rights of ownership in its facilities. 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, and all things used, owned, leased, held or occupied by NJ TRANSIT for or incidental to the operation, rehabilitation or improvement of rail and/or bus operations in the State of New Jersey and other jurisdictions where NJ TRANSIT operates to and from.

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

“Non-commercial expression” means the public exercise of free speech rights which concern political, social, religious or other issues to the extent that such free speech 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, but not sales transactions, 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 individualized expressions which are permitted throughout the public areas of facilities and equipment. Any advertisement, activity or solicitation that materially 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 and/or hinder 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 natural person, individual or group of 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 NJ TRANSIT 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 knowingly, 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.

**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, hereby sets forth limitations on the times, places and manner of non-commercial expression at NJ TRANSIT passenger facilities to ensure that the orderly and safe flow of pedestrians and vehicles at such facilities 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 shall not be responsible for the views and ideas expressed in the speech and/or 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 rules, that person shall be subject to such sanctions as deemed appropriate including ejection

from the premises, arrest, fine and/or imprisonment pursuant to the applicable laws and/or ordinances.

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

**16:83-2.1 Non-commercial speech and expression; generally**

(a) To accommodate persons and organizations who desire to engage in non-commercial speech or expression at specified NJ TRANSIT facilities, the Assistant Executive Director (AED), Corporate Communications and External Affairs or his or her designee will issue, subject to terms and conditions set forth in these rules, Certificates of Registration (“Certificates”) on a first-come, first-serve basis, to permit conduct of non-commercial speech or expression in a specified facility (as designated on the map attached to the Certificates) of a particular NJ TRANSIT facility to persons or organizations who successfully complete the required application. Applications which are completed in their entirety are declared successfully completed. If the application is being made on behalf of an organization, the application must state the number of persons requesting the Certificate and the number of persons expected to be in attendance. These Certificates will be issued without charge, when successfully completed and consistent with these rules shall be subject to availability and limitations of space and conditions. These Certificates will be issued as soon as practicable upon application in person, or by telefax, or upon receipt of the completed application by mail. Applications which have not been completed in their entirety shall be subject to being declared as unsuccessfully completed and will be returned to sender.

(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. by contacting:

Real Estate and Economic Development  
 One Penn Plaza East  
 Newark, NJ 07105  
 Telephone: (973) 491-7451  
 Fax: (973) 491-7331

**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 speech or 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. § 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.

(c) Each person listed on the Certificate must wear an identification badge, which will be issued along with the Certificate, while engaged in non-commercial expression as authorized by the Certificate.

#### 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, NJ 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, on the papers 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. Where an applicant wishes to contest the decision of the Executive Director, the applicant may, within 30 days, request a contested case hearing and the matter shall be forwarded to the Office of Administrative Law for fact finding before an Administrative Law Judge (ALJ), pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The ALJ shall issue an Initial Decision which shall be returned to the NJ TRANSIT Board of Directors for a final agency decision.

#### 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, taking into account NJ TRANSIT patrons and guests. 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.

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

(a) NJ TRANSIT may cancel, temporarily defer or modify the Certificate for emergent public health, welfare or safety reasons including extraordinary weather, power failures, accidents, terrorism, 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.

**16:83-2.6 Noise**

Certificate of Registration holders shall at no time shout, make outcries, use devices for voice and/or sound amplification, or other devices that substantially disrupt transportation-related activities.

**16:83-2.7 Placards**

Only placards made of cloth, heavy paper, cardboard or similar light weight materials shall be used by Certificate holders. Such placards shall be no larger than 48 inches by 24 inches. Placards shall be exhibited no higher than nine feet from the floor and shall not be affixed to any wall, door, window, canopy or any other interior or exterior portion of the facility.

**16:83-2.8 Tables**

No Certificate of Registration holder shall use a table, unless the map attached to the Certificate expressly provides for this use in the designated expressive area.

**16:83-2.9 Maintenance of area**

Certificate of Registration holders shall not leave materials unattended and shall remove the same at the end of each daily session. Certificate of Registration holders shall at all times keep the area in a reasonably clean, neat, and uncluttered condition.

**16:83-2.10 Inspection of Certificate**

A Certificate of Registration holder who is exercising non-commercial expression in an NJ TRANSIT facility shall have a valid Certificate of Registration available at all times, on his or her person, for inspection by an authorized NJ TRANSIT representative or local official.

**16:83-2.11 Liability**

Certificate of Registration holders assume all liability for any and all damage or injury arising out of the Certificate holder's non-commercial speech or expressive activity, on or about NJ TRANSIT's facilities and, by accepting the Certificate of Registration, agree to release the State of New Jersey, NJ TRANSIT, its directors and its subsidiaries, and any of their servants, employees or agents from any and all liability or damage resulting from the Certificate holder's use or occupancy of NJ TRANSIT's facilities in connection with the Certificate of Registration.

1. No person shall disrupt or obstruct passage to or from a loading area, information booth, emergency or fire exit, restroom, hallway, stair, staircase, landing, escalator, elevator, ticket machine, ticket counter, concession counter, bench, seat, chair, platform, door or other walkway of a facility or equipment.

2. No person shall enter or remain in any area of a NJ TRANSIT facility or equipment upon oral or written notification from an authorized NJ TRANSIT employee, public announcement, or sign that access to such area is conditional unless such person complies with the specified condition(s).

3. No person shall throw, drop, shoot, project, propel, cast or otherwise strike in, into or place upon any facility or equipment any projectile, stick, stone or other foreign matter or object.

4. No person shall dump, discard, unload, reject, throw out, scrap, abandon, dispose or otherwise rid themselves of any junk, refuse, trash, rubbish, waste, garbage, rubble, debris or other litter and unused matter into or upon any NJ TRANSIT facility or equipment without the authorization of NJ TRANSIT. This prohibition does not apply to refuse incidental to normal and routine usage of the facilities and equipment.

5. No person shall climb or attempt to climb into or upon any NJ TRANSIT facility or equipment without the express authority of NJ TRANSIT.

6. No person may consume or possess any alcoholic beverage, distilled spirits, wine, beer or malt nor shall any person possess an open, unsealed container of these beverages within the confine of NJ TRANSIT facilities or equipment except in such areas and at such times as designated by NJ TRANSIT as permitting the sale and/or consumption of these beverages.

7. No person shall ride, roll, skate, or coast upon any bicycle, skate, skateboard, roller blades, scooter or other device propelled by physical exertion or mechanical means within NJ TRANSIT facilities or equipment with the exception of devices utilized by disabled persons.

8. No person shall ignite, light, kindle or otherwise create, burn, maintain, preserve or sustain any fire except where expressly authorized by NJ TRANSIT.

9. No person shall light, smoke, or carry any lighted tobacco or tobacco product in any area of NJ TRANSIT facilities or equipment with the exception of those portions thereof designated and specially marked by NJ TRANSIT for smoking and using tobacco products.

10. No person, without an appropriate license from NJ TRANSIT or without prior agreement with NJ TRANSIT, may offer or agree to carry baggage, parcels, or belongings of others for personal pecuniary gain.

11. No person without an appropriate license from NJ TRANSIT or other appropriate authority, shall hire, at-

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**SUBCHAPTER 3. RESTRICTIONS AND PROHIBITIONS FOR ALL NJ TRANSIT FACILITIES AND EQUIPMENT**

**16:83-3.1 Prohibited acts**

(a) Except as otherwise provided for in this chapter, the following conduct is prohibited in NJ TRANSIT facilities and equipment, as set forth below:

tempt to hire, flag, hawk or otherwise provide cab services for personal pecuniary gain.

12. No person shall engage in, attempt to engage in or participate in any conduct which purposely and unlawfully disrupts, interferes with, or otherwise interrupts the commercial activities and pursuits of lessees, tenants and customers operating within NJ TRANSIT facilities and/or equipment and which serves no legitimate purpose of the person.

13. No person shall subject other persons, patrons, employees, tenants or tenants' employees to any or all of the following unlawful conduct:

- i. Engaging in, or threatening, fighting or other violent or tumultuous behavior;
- ii. Creating a hazardous or physically dangerous condition by any act which serves no legitimate purpose of the actor;
- iii. Subjecting another to striking, kicking, shoving, spitting, punching or other offensive touching, or threatening to do so; or
- iv. Engaging in any course of alarming conduct or of repeatedly committed acts with the purpose to alarm or seriously annoy such other person.

14. No person shall cause damage, injury or harm by vandalizing, defacing, marking, marring, scratching, gouging, tearing, burning, moving, altering or writing upon NJ TRANSIT facilities and equipment.

15. No person shall, while in or about NJ TRANSIT facilities or equipment, create, cause, maintain or sustain any noise that disrupts the transportation operations of the facility or equipment.

16. No person shall solicit funds without first obtaining a Certificate of Registration in accordance with the requirements of this chapter, or shall panhandle, or beg within the confines of NJ TRANSIT facilities or equipment for any reason whatsoever.

17. No person shall spit into or upon any public or restricted area except in appropriate receptacles designed for such purpose.

18. No person shall urinate or defecate in any public or non-public area other than in urinals or toilets expressly provided for that purpose.

19. No person shall jointly occupy with one or more persons any single urinal, toilet booth or stall with the exception of those persons granting assistance to disabled or incompetent persons or to small children.

20. No person shall utilize public lavatories for the purpose of bathing, changing clothes, laundering clothes or personal belongings, and all washing activities shall be limited to the immediate needs of personal hygiene.

21. No person shall refuse to tender or display compensation in the form of fare, currency, ticket, token or pass for the available transportation services, nor shall any person take actions with the purpose of avoiding this obligation.

22. No person shall bring, escort, carry or otherwise accompany any animal except seeing eye/hearing dogs appropriately restrained and charged, or other domestic animals restrained in appropriate carriers.

23. No person may engage in protected expression without complying with the terms and conditions of a valid Certificate of Registration or with a valid contract.

24. No person shall be allowed access to any NJ TRANSIT equipment, whether stationary or mobile, for the purpose of conducting any public expression.

25. No person shall erect any permanent or temporary structure on NJ TRANSIT property without the authorization of NJ TRANSIT.

26. No person shall operate any vehicle nor shall any vehicle be parked upon NJ TRANSIT facilities in such a manner as is in violation of the provisions of Title 39, Motor Vehicle and Traffic Laws of New Jersey.

APPENDIX

CERTIFICATE OF REGISTRATION

Name of Organization (if applicable): \_\_\_\_\_

Address (Optional): \_\_\_\_\_

Telephone Number (Optional): \_\_\_\_\_

Facility: \_\_\_\_\_

Date(s) of Non-Commercial Public Expression: \_\_\_\_\_

Time(s) of Non-Commercial Public Expression: \_\_\_\_\_

Purpose of Non-Commercial Public Expression: \_\_\_\_\_

You are hereby permitted to engage in non-commercial public expression in the designated area (as shown on the map attached hereto and made a part hereof) of the NJ TRANSIT facility stated above, on the date(s) and during the time(s) set forth above, subject to the terms and conditions of N.J.A.C. 16:83, a copy of which is attached hereto and made a part hereof.

Authorized by: \_\_\_\_\_  
(Name and Title of NJ TRANSIT Official)

The undersigned agrees to comply with all of the terms and conditions of this Certificate of Registration.

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(Signature of Certificate Holder)