

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.2009 d.155, effective April 9, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 83, Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities, expires on October 6, 2016. See: 48 N.J.R. 781(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: 35 N.J.R. 1849(a), 35 N.J.R. 5144(a).

Chapter 83, Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities, was readopted as R.2009 d.155, effective April 9, 2009. As a part of R.2009 d.155, Subchapter 2, Certificate of Registration for Non-Commercial Expression, was renamed Certificate of Registration and Bridge Banner Permit for Non-Commercial Expression; and the chapter Appendix was repealed, effective May 4, 2009. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 83, Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities, was scheduled to expire on April 9, 2016. See: 43 N.J.R. 1203(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 16:83-1.1 Purpose; scope
- 16:83-1.2 Definitions
- 16:83-1.3 Commercial expression
- 16:83-1.4 Non-commercial expression
- 16:83-1.5 NJ TRANSIT disclaimer
- 16:83-1.6 Enforcement

**SUBCHAPTER 2. CERTIFICATE OF REGISTRATION AND
BRIDGE BANNER PERMIT FOR NON-
COMMERCIAL EXPRESSION**

- 16:83-2.1 Non-commercial speech and expression; generally
- 16:83-2.2 Application for Certificate of Registration and Banner Permit
- 16:83-2.3 Disposition of application; appeal of denial
- 16:83-2.4 Validity of Certificate of Registration and Banner Permit

- 16:83-2.5 Limitation of Certificate or Banner Permit
- 16:83-2.6 Noise
- 16:83-2.7 Placards
- 16:83-2.8 Tables
- 16:83-2.9 Maintenance of area
- 16:83-2.10 Banner installation, maintenance and removal
- 16:83-2.11 Inspection of Certificate
- 16:83-2.12 Liability

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

- 16:83-3.1 Prohibited acts
- 16:83-3.2 Access during emergency

APPENDIX. (RESERVED)

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 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 and 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 expression 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 in or on NJ TRANSIT facilities or equipment. Finally, NJ TRANSIT sets forth, in this chapter, procedures to be followed to obtain authorization to use certain railroad bridges to advertise community events. 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. NJ TRANSIT reserves the right to reject any applications for commercial or non-commercial speech or expression at NJ TRANSIT facilities where such conduct will impair NJ TRANSIT's ability to conduct its mass transit related business or where such expression gives rise to a credible public safety concern.

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).
Rewrote the section.

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 hinder or interfere with free passage or usage, so as to deny free access, movement, availability or purpose of any portion of NJ TRANSIT facilities or equipment.

“Bridge banner” means a temporary sign affixed to an approved NJ TRANSIT railroad bridge displaying advertisements for non-commercial community special events.

“Bridge Banner Permit” or “Banner Permit” means the document authorized by a designated NJ TRANSIT official which authorizes the display of a bridge banner.

“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.

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

“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 NJ TRANSIT locomotive, engine, passenger car, coach, trolley, street railway car, light rail vehicle, bus, motorcoach, van, ferry, 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 and 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, power plants, emergency exits, stairways, ventilation systems, signage, lighting, repair and maintenance shops and other property, and all things used, owned, leased, held or occupied by NJ TRANSIT for or incidental to the operation, rehabilitation or improvement of rail, light rail

and/or bus operations in the State of New Jersey and other jurisdictions where NJ TRANSIT operates to and from.

“Non-commercial expression” means the public exercise of free speech rights in or on NJ TRANSIT facilities or equipment, 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, solicitation of signatures and comments, 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.

“Non-commercial community special event” means any event open to the public, conducted and/or sponsored by a governmental, educational, charitable or religious organization. This definition is not intended to apply, and does not apply to, events or activities that are conducted on a continual, ongoing basis. Non-commercial community special events include, but are not limited to, events conducted on a one-time, annual or seasonal basis.

“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 written 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, on, or adjacent to the NJ TRANSIT equipment or facility.

“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 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.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

In introductory paragraph inserted “shall” and inserted a comma following “meanings”; rewrote definitions “Block”, “Facilities” and “Police officer”; added definitions “Bridge banner”, “Bridge Banner Permit” and “Non-commercial community special event”; deleted definitions “Commercial expression” and “Knowingly”; in definition “Certificate of Registration”, inserted a comma following “official” and deleted “(see Chapter Appendix, incorporated herein by reference)” from the end; in definition “Equipment”, deleted “railroad,” following “means any”, inserted “light rail vehicle” and substituted “ferry” for “crane”; in definition “Non-commercial expression”, inserted “in or on NJ TRANSIT facilities or equipment,” and “, solicitation of signatures and comments,” and inserted a comma following “does not apply to” and “individualized expressions”; in definition “Personal notice”, substituted “or written” for “, or spoken,”; in definition “Public area”, inserted a comma following “equipment” and deleted “incidental” preceding “services”; and in definition “Purposely”, deleted “knowingly,” following “means” and inserted a comma following “conduct”.

16:83-1.3 Commercial expression

(a) A contract with NJ TRANSIT shall be required of any person seeking to engage in any public expressive conduct that materially proposes a commercial transaction (commercial expression) including, but not limited to, the sale, offer, promotion, peddling, vending, advertisement or display of goods and/or services at or on any facility or equipment or to display any commercial advertisement at or on any NJ TRANSIT facility or equipment.

(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
Telephone: (973) 491-7451 or (973) 491-8078
Fax: (973) 491-7331

(c) 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.

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Rewrote (a); updated the address in (b); deleted former (c); recodified (d) as (c).

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 in or on NJ TRANSIT facilities or equipment to ensure that the orderly and safe flow of people 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 equipment.

(b) NJ TRANSIT will not permit the distribution of products or services at any NJ TRANSIT facility, regardless of whether a contribution is solicited or not, if in NJ TRANSIT’s sole opinion, the product or service competes with, or conflicts with, the sale of products or services by NJ TRANSIT tenants, lessees or licensees at that location.

(c) NJ TRANSIT contracts for the display of paid advertising on, within and about NJ TRANSIT facilities as a vital component of its program to generate revenues in support of its mass transit operations. From time to time, at its sole discretion, NJ TRANSIT makes available Bridge Banner Permits, which are issued to organizations for the purpose of advertising non-commercial community special events. NJ TRANSIT reserves the right to use any railroad bridge or other facility for commercial advertising and may discontinue the use of any railroad bridge or other facility for the advertisement of non-commercial community special events at any time. Banners hung without NJ TRANSIT permission will be removed.

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

In (a), substituted “in or on” for “at”, “facilities or equipment” for “passenger facilities” and “people” for “pedestrians”, deleted “at such facilities” following “people and vehicles”, a comma following “nor do they apply” and “or” following “facilities and”, and inserted a comma preceding “talking”; and added (b) and (c).

16:83-1.5 NJ TRANSIT disclaimer

NJ TRANSIT shall not be responsible for the views and ideas expressed by a person 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 and may disclaim responsibility for, and/or sponsorship of, that person’s cause.

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Rewrote section.

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
AND BRIDGE BANNER PERMIT FOR NON-
COMMERCIAL EXPRESSION

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

(a) To accommodate persons who desire to engage in non-commercial expression at specified NJ TRANSIT facilities, the Senior Director, Real Estate and Economic Development or his or her designee will issue, subject to terms and conditions set forth in these rules, a Certificate of Registration (Certificate) on a first-come, first-served basis, to permit conduct of noncommercial expression in a specified location (as designated on the map attached to the Certificate) at a particular NJ TRANSIT facility. In order to receive a certificate, a person must complete an application in its entirety. 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. The Certificate will be issued without charge and, consistent with these rules, shall be subject to availability and limitations of space and conditions. The Certificate will be issued, as soon as practicable upon application in person, or upon receipt of the completed application by postal mail, electronic mail, or telefax. Applications that have not been completed in their entirety shall be subject to being declared as unsuccessfully completed and will be returned to sender.

(b) The Senior Director, Real Estate & Economic Development or his or her designee may issue Bridge Banner Permits, subject to terms and conditions set forth in this chapter, including, but not limited to N.J.A.C. 16:83-1.4, on a first-come, first-served basis, to permit display of the advertisement on a specified railroad bridge. Applications that are completed in their entirety, including the verbatim text and graphics to be used in the advertisement, will be considered successfully completed. The completed application must be submitted no later than 10 business days before the first date on which the permit is to be effective. Banner Permits will be issued as soon as practicable upon application in person, or upon receipt of the completed application by postal mail, electronic mail or telefax.

(c) Applications for Certificates of Registration and Banner Permits 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 or (973) 491-8078
Fax: (973) 491-7331

Amended by R.2009 d.155, effective May 4, 2009.

See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Rewrote (a); added new (b); recodified former (b) as (c); in the introductory paragraph of (c), deleted a comma following "for Certificates of Registration", and substituted "Banner Permits" for "the Certificates of Registration"; and in the address in (c), inserted "or (973) 491-8078".

**16:83-2.2 Application for Certificate of Registration and
Banner Permit**

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

1. The applicant's name. At the option of the applicant, the applicant's address and/or telephone number may be listed on the application but no applicant shall be required to list either an address or telephone number on an application for a Certificate of Registration;

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 individual(s) who will have supervision of and responsibility for the non-commercial 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 26 U.S.C. §501(c)(3) or a successor provision, or any organization with a similar tax exemption; 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) The application for a Banner Permit, signed by the applicant, shall contain the following:

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

2. The name(s) and contact information of the banner-hanging organization that will have supervision of and responsibility for placement, installation and maintenance of the banner during the term of the Banner Permit;

3. A statement that the proposed advertisement is for a non-commercial public special event;

4. The verbatim text and graphics to be used in the banner; and

5. If requested, the Banner Permit holder shall supply a list of credible professional references who can attest to the qualifications of the banner-hanging company.

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Section was "Application for Certificate of Registration". Rewrote (a)1, (a)4iii and (b); in (a)3, substituted "individual(s)" for "person(s)" and "non-commercial" for "speech or"; in the introductory paragraph of (a)4, inserted a comma following "contributions"; and deleted (c).

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 Certificate or Banner Permit, if available.

(b) If the applicant is denied a Certificate or Banner Permit after completing the application, the applicant may appeal this denial by contacting:

Assistant Executive Director (AED),
Communications and Customer Service
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 AED, Corporate Communications and External Affairs or his or her designee shall conduct a review on the papers if any factual dispute exists and render a decision. The decision shall be made in writing and shall set forth the basis for the decision. Where an applicant wishes to contest this decision, 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.

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

In (a), substituted "Certificate or Banner Permit" for "requested number of Certificates"; in the introductory paragraph of (b), inserted "or Banner Permit" and deleted "as soon as possible" following "applicant may"; in the address in (b), substituted "Assistant Executive Director (AED), Communications and Customer Service" for "Executive Director"; and rewrote (c).

16:83-2.4 Validity of Certificate of Registration and Banner Permit

(a) Each Certificate of Registration (Certificate) shall be valid for the date(s) and time(s) appearing on the approved Certificate. A Certificate of Registration shall be valid for up to, but not more than, five days. A Certificate shall not be valid prior to 6:00 AM. or after the closing time of the

facility. If the facility does not close, the Certificate shall be valid only until 12:00 midnight of the date(s) appearing on the Certificate.

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

(c) NJ TRANSIT may limit the number of valid concurrent Certificates of Registration to the maximum number of individuals established for the particular facility, as indicated on the map attached to each Certificate of Registration, taking into account the public transportation purposes of the facility. NJ TRANSIT will distribute Certificates of Registration on a "first-come, first-served" basis until the maximum number of individuals has been reached for the facility.

(d) Certificates of Registration shall be valid only at the facility or facilities specified on the Certificate.

(e) A Bridge Banner Permit is valid for up to, but not more than, 14 days. The bridge banner shall be removed no later than noon following the final date appearing on the Banner Permit.

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Section was "Validity of Certificate of Registration". Rewrote (a) and (c); in (b), deleted "or organization" preceding "designated" and "(s) or organization(s)" from the end; in (d), deleted "issued in accordance with this chapter" following "Registration" and deleted the last sentence; and added (e).

16:83-2.5 Limitation of Certificate or Banner Permit

NJ TRANSIT may cancel, temporarily defer or modify the Certificate or Banner Permit 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 an unsafe condition in the relevant expressive area or which substantially interfere with the transportation related activities of the facility.

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Section was "Limitation of Certificate; access during emergency". Deleted designation (a); deleted (b); and inserted "or Banner Permit", inserted a comma following "safety reasons" and "other events" and substituted "an unsafe" for "a dangerous".

16:83-2.6 Noise

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

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Substituted "or" for a comma following "outcries", deleted a comma following "amplification", inserted "use" and deleted "substantially" preceding "disrupt".

16:83-2.7 Placards

Only placards made of cloth, heavy paper, cardboard or similar lightweight 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. Placards shall not be affixed to a stick, pole or post made of any material.

Amended by R.2009 d.155, effective May 4, 2009.

See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Substituted "lightweight" for "light weight" and inserted the last sentence.

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 Banner installation, maintenance and removal

(a) All banners must be hung by a municipal organization or company properly equipped and qualified to hang banners over roadways. The banner must be hung safely from the road by the qualified party without access to the railroad right of way.

(b) The size of the banner shall not exceed 15 feet wide x 3 feet high. Banners shall be constructed of heavy-duty canvas or vinyl and must contain grommets (reinforced eyelet or ring) in each corner to facilitate hanging and must include cording or ropes to properly secure the banner. NJ TRANSIT reserves the right to review and reject, in its sole discretion, methods of attachment, construction details and materials and installation procedures prior to hanging.

(c) NJ TRANSIT may also, at its sole discretion, establish and charge appropriate fees to recover estimated direct and indirect costs of labor, equipment and administrative expenses associated with the issuance of Bridge Banner Permits. If access to the track is requested for any reason, and the request is granted, an NJ TRANSIT railroad protective flagman is required and the Banner Permit holder shall be liable for all associated labor and administrative costs.

(d) The Banner Permit holder is responsible for obtaining any and all necessary additional permits and approvals, as well as coordination with local, county or State bodies that

may be required, including police, public works and/or other governmental representatives.

New Rule, R.2009 d.155, effective May 4, 2009.

See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Former N.J.A.C. 16:83-2.10, Inspection of Certificate, recodified to N.J.A.C. 16:83-2.11.

16:83-2.11 Inspection of Certificate

A Certificate of Registration holder shall have the Certificate of Registration available at all times, on his or her person, for inspection by an authorized NJ TRANSIT representative or local official.

Recodified from N.J.A.C. 16:83-2.10 and amended by R.2009 d.155, effective May 4, 2009.

See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Deleted "who is exercising non-commercial expression in an NJ TRANSIT facility" following "holder" and substituted "the" for "is valid" preceding the second occurrence of "Certificate". Former N.J.A.C. 16:83-2.11, Liability, recodified to N.J.A.C. 16:83-2.12.

16:83-2.12 Liability

Certificate of Registration and Banner Permit holders assume all liability for any and all damage or injury arising out of the Certificate/Permit holder's use, occupancy, non-commercial speech or expressive activity, on or about NJ TRANSIT's facilities or equipment, and, by accepting the Certificate of Registration or Banner Permit, agree to release the State of New Jersey, NJ TRANSIT, its directors and its subsidiaries, and servants, employees and agents from any and all liability or damage resulting from the Certificate/Permit holder's use or occupancy of NJ TRANSIT's facilities or equipment in connection with the Certificate of Registration or Banner Permit. NJ TRANSIT shall not be responsible for the security and/or safeguarding of any funds collected by a Certificate of Registration holder.

Recodified from N.J.A.C. 16:83-2.11 and amended by R.2009 d.155, effective May 4, 2009.

See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

Rewrote the section.

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 or on NJ TRANSIT facilities or equipment, as set forth below:

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, store, bench, seat, chair, platform, door or other walkway of a facility or equipment. No person shall occupy

more than one seat in or on any NJ TRANSIT 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, pole, stone or other foreign matter or object. No person shall carry such foreign matter or objects into NJ Transit facilities or equipment if the matter or objects represent a safety hazard.

4. No person shall dump, discard, unload, eject, 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, skates, skateboard, roller blades, scooter or other personal motive device propelled by physical exertion or mechanical means within NJ TRANSIT facilities or equipment with the exception of mobility devices utilized by persons with disabilities.

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 and other appropriate authority, shall hire, at-

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 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;

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 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 in or on any facility or equipment.

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 individuals any single urinal, toilet booth or stall with the exception of those individuals providing assistance to persons with disabilities or to individuals needing assistance.

20. No person shall utilize public restrooms 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 guide dogs or any other service animals, appropriately controlled, or other domestic animals restrained in appropriate carriers.

23. No person may engage in non-commercial expression without complying with the terms and conditions of a valid Certificate of Registration.

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

25. No person shall erect any permanent or temporary structure in or on NJ TRANSIT facilities or equipment 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.

Amended by R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

In the introductory paragraph of (a), inserted "or on" and substituted "or" for "and" following "facilities"; in (a)1, inserted "store," and the last sentence; in (a)3, inserted "pole," and the last sentence; in (a)4, substituted "eject" for "reject"; in (a)7, substituted "skates" for "skate" and "persons with disabilities" for "disabled persons", and inserted

"personal motive" and "mobility"; in (a)11, substituted "and" for "or"; in (a)12, inserted a comma following "conduct", deleted a comma following "interferes with" and deleted "and/" preceding "or equipment"; in (a)13ii, deleted "by any act which serves no legitimate purpose of the actor" from the end; in (a)15, deleted "transportation" preceding "operations"; in (a)16, deleted a comma following "panhandle"; rewrote (a)17, (a)19 and (a)22; in (a)20, substituted "restrooms" for "lavatories"; in (a)23, substituted "non-commercial" for "protected" and deleted "or with a valid contract" from the end; in (a)24, substituted "non-commercial" for "public"; and in (a)25, inserted "in or" and substituted "facilities or equipment" for "property".

16:83-3.2 Access during emergency

NJ TRANSIT may temporarily grant or restrict public access to its facilities and equipment, or to portions thereof, at its sole discretion for emergent public health, safety or welfare reasons without prior notice. When there is a 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.

New Rule, R.2009 d.155, effective May 4, 2009.
See: 40 N.J.R. 6933(a), 41 N.J.R. 2034(a).

APPENDIX

(RESERVED)