

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-5.1b, Chapter 83, Conduct and Safety of the Public in the Use of NJ TRANSIT Equipment and Facilities, expires on April 9, 2016. See: 43 N.J.R. 1203(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 re-named Certificate of Registration and Bridge Banner Permit for Non-Commercial Expression; and the chapter Appendix was repealed, effective May 4, 2009.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.

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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 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