

New Jersey Limits Transportation, Restaurant Capacity, Requires Implementation of COVID-19 Protocols

By James M. McDonnell

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Effective April 13, 2020, at 8:00 p.m., New Jersey Transit and other carriers are directed under New Jersey Governor Phil Murphy's [Executive Order 125](#) (EO 125) to implement procedures and policies designed to combat the spread of COVID-19. This is the Governor's 24th Executive Order since the onset of the COVID-19 crisis.

EO 125 also requires restaurants, bars, and other dining establishments to implement policies and protocols like those recently required of manufacturing, warehousing, and essential retail businesses. (See our article, [New Jersey Suspends Non-Essential Construction Projects, Requires Continuing Businesses to Implement Policies](#).)

With widespread work-from-home and telework arrangements and cleaning protocols already in place, most businesses should be well-suited to comply with the Governor's latest EO.

Policy Requirements for NJ Transit, Other Carriers

Similar to [EO 122](#), EO 125 requires NJ Transit (defined as New Jersey Transit Corporation, TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc.) and other carriers to implement policies to counter the spread of COVID-19, including the following:

- Limit occupancy to 50% on all transportation (*e.g.*, buses, light rail, and trains);
- Require infection control practices (coughing etiquette, sneezing etiquette, tissue use, and tissue disposal);
- Arrange for contactless payment options;
- Arrange for back-door entry where feasible and decommission seats near the operator (*this policy requirement is inapplicable to paratransit*);
- Require frequent sanitization of high-touch areas in stations, such as restrooms, waiting areas, keypads, and credit card machines (*this policy requirement applies only to NJ Transit*);
- Place conspicuous signage alerting workers and customers of required social distancing; and
- Require workers and customers to wear cloth face coverings (except for health-related reasons) and require workers who come into contact with customers to wear gloves.

NJ Transit and other carriers must provide, at their own expense, cloth face coverings and gloves. If a customer refuses to wear a cloth face covering, the carrier or NJ Transit *may decline* transportation to the individual in accordance with any guidelines instituted.

Restaurants, Bars, Other Dining Establishments

EO 125 places additional restrictions on restaurants, bars, and other dining establishments beyond those already in place under [EO 107](#) (see our article, [New Jersey Closes Non-Essential Retail Businesses, Directs Stay-at-Home, Sets State Response to COVID-19](#)):

- Limit occupancy to 10% of maximum capacity wherever feasible;
- Ensure six feet of social distancing between workers and customers, except upon the moment of payment or exchange of goods;
- Require infection control practices (coughing etiquette, sneezing etiquette, tissue use, and tissue disposal);
- Provide employees break time for repeated handwashing;

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- Arrange for contactless pay and pickup and delivery options wherever feasible;
- Provide sanitization materials to staff (*e.g.*, hand sanitizer and sanitizing wipes);
- Require frequent sanitization of high touch areas (*e.g.*, credit card machines, keypads, and counters);
- Place conspicuous signage at the entrance and throughout the premises alerting staff and customers of the required six feet of social distancing; and
- Require workers and customers to wear cloth face coverings (except for health-related reasons) and require workers who come into contact with customers to wear gloves.

Businesses must provide, at their own expense, the requisite face cloths and gloves to employees. Customers will not be required to wear face cloths when receiving a delivery or picking up food outside of the physical premises of the restaurant, bar, or food establishment. If a customer or worker declines to wear a face cloth for non-medical reason, the business *must decline* that worker or customer entry.

EO 125 also prohibits any municipality, county, or other political subdivision of New Jersey from enacting or enforcing any rule, regulation, ordinance, resolution, or order that conflicts with the Governor's directive.

A violation of EO 125 is punishable as a disorderly persons offense, which provides up to six months imprisonment, up to a \$1,000 fine, or both.

Jackson Lewis attorneys will continue to apprise you of COVID-19 developments that affect your business.

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