EXECUTIVE ORDER NO. 125

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by COVID-19; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119 (2020), the facts and circumstances of which are adopted by reference herein, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, on March 16, 2020, through Executive Order No. 104 (2020), the facts and circumstances of which are adopted by reference herein, I established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, in recognition that the Centers for Disease Control and Prevention ("CDC") has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued

Executive Order No. 107 (2020), on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which ordered steps to mitigate community spread of COVID-19; and

WHEREAS, Executive Order No. 107 (2020) closed non-essential retail businesses to the public, but permitted essential retail businesses and other businesses that require an in-person workforce to continue to operate; and

WHEREAS, Executive Order No. 107 (2020) permitted restaurants, cafeterias, dining establishments, food courts, bars, and all other holders of a liquor license with retail consumption privileges, to operate food delivery and/or take-out services during their normal business hours; and

WHEREAS, Executive Order No. 107 (2020) stated that businesses or non-profits who have employees who cannot perform their functions via telework or work-from-home arrangements should make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue; and

WHEREAS, Executive Order No. 107 (2020) held that all New Jersey residents shall remain at home or at their place of residence, unless they qualified under certain defined categories, including reporting to, or performing, their job; and

WHEREAS, Executive Order No. 107 (2020) stated that individuals who have to travel pursuant to the terms of the Order should only use public transportation only if they have no other feasible choice; and

WHEREAS, Executive Order No. 107 (2020) also directed individuals who ride public transportation to abide by best social distancing practices, including making all efforts to stand or sit six feet away from other riders and frequently use sanitizing products; and

WHEREAS, as of April 11, 2020, according to the World Health Organization, there were more than 1,521,252 confirmed cases of COVID-19 worldwide, with over 92,798 of those cases having resulted in death; and

WHEREAS, as of April 11, 2020, according to the Centers for Disease Control, there were more than 425,889 confirmed cases of COVID-19 in the United States, with over 14,665 of those cases having resulted in death; and

WHEREAS, as of April 11, 2020, there were over 54,588 positive cases of COVID-19 in New Jersey, with at least 1,932 of those cases having resulted in death; and

WHEREAS, in response to the current emergency NJ TRANSIT (defined collectively as New Jersey Transit Corporation, NJ TRANSIT Rail Operations, Inc., NJ TRANSIT Bus Operations, Inc., NJ TRANSIT Mercer, Inc., and NJ TRANSIT Morris, Inc.), the private carriers that NJ TRANSIT has entered into contracts with for the provision of bus and light rail service (hereinafter referred to collectively as "Private Carriers"), the private carriers that NJ TRANSIT has not entered into contracts with and run their own individual lines of intrastate service in New Jersey as well as interstate service to New York and Pennsylvania (hereinafter referred to collectively as "Unaffiliated Private Carriers"), and the private carriers that NJ TRANSIT has entered into contracts with for the provision of Access Link paratransit services (hereinafter referred to as "Paratransit Private Carriers") have instituted enhanced cleaning efforts for vehicles across all its modes of transportation, including disinfecting vehicles every 24 hours, hard surface cleaning and disinfecting including handholds, arm rests, seating areas and restrooms; and

WHEREAS, in response to the current emergency, NJ TRANSIT has instituted enhanced cleaning regimens in stations including additional disinfecting of frequent customer touchpoints like ticket vending machines, handrails, and door handles; and

WHEREAS, as an added precautionary measure to protect bus operators and customers, NJ TRANSIT and Private Carriers have implemented rear-door boarding on all bus routes where rear-boarding is available, and seats near the bus operator have also been taken out of service to allow for proper social distancing for the operator; and

WHEREAS, NJ TRANSIT and Paratransit Private Carriers that operate the Access Link service have identified concerns with transporting passengers in minibuses, vans and sedans (hereinafter referred to as "Access Link vehicles") given risks to both the drivers and passengers, and in response have avoided the use of sedans; and

WHEREAS, NJ TRANSIT now encourages customers to use the NJ TRANSIT mobile ticketing app or to purchase paper tickets via ticket vending machines prior to boarding to limit cash transactions with the rail conductors and bus operators, and NJ TRANSIT has closed ticket windows at stations to avoid person to person contact; and

WHEREAS, in response to the current emergency, NJ TRANSIT has continually issued customer advisories noting that travel across all of its modes of transportation should be limited to essential personnel who do not have any other feasible means of transportation; and

WHEREAS, NJ TRANSIT, Private Carriers and Unaffiliated Private Carriers have been forced to adjust the weekday rail, bus and light rail service to special schedules to continue to

accommodate essential travel while also accounting for the decline in available workforce and ridership related to COVID-19; and

WHEREAS, in those situations where NJ TRANSIT and Private Carriers have observed certain rail, bus and light rail lines that continue to experience more customers than would be ideal for social distancing protocols, NJ TRANSIT and Private Carriers have added select trips particularly on certain intra-city bus lines, and have instituted cross-honoring for NJ TRANSIT bus tickets and passes on all NJ TRANSIT rail lines to increase travel options for bus customers; and

WHEREAS, NJ TRANSIT workers, Private Carrier workers, Unaffiliated Private Carrier workers and Paratransit Private Carrier workers are regularly interacting with members of the public during the COVID-19 pandemic, and the nature of their jobs often requires close contact with the public; and

WHEREAS, members of the public that must continue to report to work due to the essential nature of their jobs, as well as members of the public seeking to access essential services and obtain critical goods like food and medicine, and have no feasible choice other than to take public transportation, may be forced to come in close contact with other individuals on train cars, buses, light rail vehicles and Access Link vehicles, given their size and layout; and

WHEREAS, given the nature of public transportation, members of the public that have no feasible choice other than to take public transportation will necessarily come into contact with multiple common surfaces; and

WHEREAS, residents continue to require access to restaurants and other food establishments during the present crisis; and

WHEREAS, even as we have limited essential business operations, the number of COVID-19 cases in New Jersey is anticipated to continue to increase for the immediate future, meaning we must take additional steps to ensure that NJ TRANSIT, Private Carriers, Unaffiliated Private Carriers, Paratransit Private Carriers and passengers on public transportation, as well as restaurants, bars, food establishments and their patrons, are following public health guidelines regarding social distancing, cleaning, sanitizing, and hygiene practices, in addition to those aforementioned efforts NJ TRANSIT, Private Carriers, Unaffiliated Private Carriers and Paratransit Private Carriers have already undertaken; and

WHEREAS, imposing specific mitigation requirements on NJ TRANSIT, Private Carriers, Unaffiliated Private Carriers and Paratransit Private Carriers will further protect their workers and will permit members of the public to continue to report to work due to the essential nature of their jobs when they have no feasible choice other than to take public transportation, while also preventing increased spread of COVID-19; and

WHEREAS, imposing similar mitigation requirements on restaurants, bars, and other such retailers providing food for takeout and/or delivery, will allow residents to access a critical resource while still taking necessary precautions to stop further spread of COVID-19; and

WHEREAS, the CDC has now recommended that all residents wear cloth face coverings in public settings where other social distancing measures are difficult to maintain, particularly in areas of significant community-based transmission; and

WHEREAS, the CDC has stated that such cloth face coverings must fit snugly but comfortably against the side of the face, be secured with ties or ear loops, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine dried without damage or change to shape; and

WHEREAS, the CDC has also stated that cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

WHEREAS, the CDC has also recommended certain cleaning and disinfecting procedures for businesses to reduce potential spread of COVID-19 to staff and members of the public; and

WHEREAS, on April 8, 2020, I issued Executive Order No. 122 (2020), the facts and circumstances of which are adopted by reference herein, which instituted a series of requirements to ensure that the CDC's recommendations and other public health and safety related measures would be properly implemented in essential retail contexts, among others, that remain open to the public during this Public Health Emergency; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Where NJ TRANSIT has continued to operate utilizing an in-person workforce under the terms of Executive Order No. 107 (2020), NJ TRANSIT must adopt policies that include, at minimum, the following requirements:

a. NJ TRANSIT workers may limit occupancy at 50% of the stated maximum capacity, on all trains, buses and light rail lines in accordance with any guidelines instituted by NJ TRANSIT operational divisions;

b. Require infection control practices, such as coughing and sneezing etiquette and proper tissue usage and disposal;

c. Arrange for contactless pay options across all modes of transportation wherever feasible. Such policies shall, wherever possible, consider populations that do not have access to internet service;

d. Arrange for back door entry on buses wherever feasible, and take seats out of service near the bus operator to allow for proper social distancing from the bus operator wherever feasible;

e. Require frequent sanitization of high-touch areas in stations, like restrooms, waiting areas, credit card machines, and keypads;

f. Place conspicuous signage at stations and throughout train cars, buses and light rail vehicles, if applicable, alerting workers and customers to the required six feet of physical distance; and

Require workers and customers to wear cloth face coverings while on trains, buses and light rail vehicles except where doing so would inhibit that individual's health or where the individual is under two years of age, and require workers to wear gloves when in contact with customers. NJ TRANSIT must provide, at its expense, such face coverings and gloves for their workers, to the extent supplies are available. If a customer refuses to wear a cloth face covering for non-medical reasons, then NJ TRANSIT workers may decline entry to the individual, in accordance with any guidelines instituted by NJ TRANSIT operational divisions. Nothing in the stated policy should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if NJ TRANSIT is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on a train, bus or light rail vehicle due to a medical condition that inhibits such usage, neither NJ TRANSIT nor its workers shall require the individual to produce medical documentation verifying the stated condition.

2. Where Private Carriers have continued to operate utilizing an in-person workforce under the terms of Executive Order No. 107 (2020), and the terms of their contracts with NJ TRANSIT, Private Carriers must adopt policies that include, at

minimum, the following requirements:

a. Private Carrier workers may limit occupancy at 50% of the stated maximum capacity, on all buses and light rail lines in accordance with any guidelines instituted by the Private Carriers in consultation with NJ TRANSIT operational divisions;

b. Require infection control practices, such as coughing and sneezing etiquette and proper tissue usage and disposal;

c. Arrange for contactless pay options across all modes of transportation that the Private Carriers operate wherever feasible. Such policies shall, wherever possible, consider populations that do not have access to internet service;

d. Arrange for back door entry on buses wherever feasible, and take seats out of service near the bus operator wherever feasible to allow for proper social distancing from the bus operator;

e. Place conspicuous signage throughout buses and light rail vehicles, if applicable, alerting workers and customers to the required six feet of physical distance; and

f. Require workers and customers to wear cloth face coverings while on buses and light rail vehicles except where doing so would inhibit that individual’s health or where the individual is under two years of age, and require workers to wear gloves when in contact with customers. Private Carriers must provide, at their own expense, such face coverings and gloves for their workers, to

the extent supplies are available. If a customer refuses to wear a cloth face covering for non-medical reasons, then Private Carrier workers may decline entry to the individual, in accordance with any guidelines instituted by the Private Carriers in consultation with NJ TRANSIT operational divisions. Nothing in the stated policy should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the Private Carriers are otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on a bus or light rail vehicle due to a medical condition that inhibits such usage, neither Private Carriers nor any of their workers shall require the individual to produce medical documentation verifying the stated condition.

3. Where Unaffiliated Private Carriers have continued to operate utilizing an in-person workforce under the terms of Executive Order No. 107 (2020), Unaffiliated Private Carriers must adopt policies that include, at minimum, the following requirements:

a. Unaffiliated Private Carrier workers may limit occupancy at 50% of the stated maximum capacity, on all bus lines in accordance with any guidelines instituted by the Unaffiliated Private Carriers;

b. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;

c. Arrange for contactless pay options across all modes of transportation that the Unaffiliated Private Carriers operate wherever feasible. Such policies shall, wherever possible, consider populations that do not have access to internet service;

d. Arrange for back door entry on buses wherever feasible, and take seats out of service near the bus operator wherever feasible to allow for proper social distancing from the bus operator;

e. Place conspicuous signage throughout buses, if applicable, alerting workers and customers to the required six feet of physical distance; and

f. Require workers and customers to wear cloth face coverings while on buses except where doing so would inhibit that individual’s health or where the individual is under two years of age, and require workers to wear gloves when in contact with customers. Unaffiliated Private Carriers must provide, at their own expense, such face coverings and gloves for their workers, to the extent supplies are available. If a customer refuses to wear a cloth face covering for non-medical reasons, then Unaffiliated Private Carrier workers may decline entry to the individual, in accordance with any guidelines instituted by the Unaffiliated Private Carriers. Nothing in the stated policy

should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the Unaffiliated Private Carriers are otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering on a bus due to a medical condition that inhibits such usage, neither Unaffiliated Private Carriers nor any of their workers shall require the individual to produce medical documentation verifying the stated condition.

4. Where Paratransit Private Carriers have continued to operate utilizing an in-person workforce under the terms of Executive Order No. 107 (2020), and the terms of their contracts with NJ TRANSIT, Paratransit Private Carriers must adopt policies that include, at minimum, the following requirements:

a. Paratransit Private Carrier workers may limit occupancy at 50% of the stated maximum capacity of the vehicle on all Access Link vehicles in accordance with any guidelines instituted by the Paratransit Private Carriers in consultation with NJ TRANSIT operational divisions;

b. Require infection control practices, such as coughing and sneezing etiquette and proper tissue usage and disposal;

c. Arrange for contactless pay options, including EZ Wallet, across all modes of transportation that the Paratransit Private Carriers operate wherever

feasible. Such policies shall, wherever possible, consider populations that do not have access to internet service;

d. Place conspicuous signage throughout Access Link vehicles, if applicable, alerting workers and customers to the required six feet of physical distance; and

e. Require workers and customers to wear cloth face coverings while on all Access Link vehicles except where doing so would inhibit that individual's health or where the individual is under two years of age, and require workers to wear gloves when in contact with customers. Paratransit Private Carriers must provide, at their own expense, such face coverings and gloves for their workers, to the extent supplies are available. If a customer refuses to wear a cloth face covering for non-medical reasons, then Paratransit Private Carriers may decline entry to the individual, in accordance with any guidelines instituted by the Paratransit Private Carriers in consultation with NJ TRANSIT operational divisions. Nothing in the stated policy should prevent workers or customers from wearing a surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the Paratransit Private Carriers are otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a

face covering on an Access Link vehicle due to a medical condition that inhibits such usage, neither Paratransit Private Carriers nor any of their workers shall require the individual to produce medical documentation verifying the stated condition.

5. All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges that are continuing to offer food delivery and/or take-out services pursuant to Executive Order No. 107 (2020) ("food business"), must adopt policies that include, at minimum, the following requirements:

a. Limit occupancy at 10% of the stated maximum capacity, wherever feasible;

b. Ensure six feet of distance between workers and customers, except at the moment of payment and/or exchange of goods;

c. Require infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal;

d. Provide employees break time for repeated handwashing throughout the workday;

e. Arrange for contactless pay and pickup/delivery options wherever feasible. Such policies shall, wherever possible, consider populations that do not have access to internet service;

f. Provide sanitization materials, such as hand sanitizer and sanitizing wipes, to staff;

g. Require frequent sanitization of high-touch areas like credit card machines, keypads, and counters to which the public and workers have access;

h. Place conspicuous signage at entrances and throughout the food business, if applicable, alerting staff and customers to the required six feet of physical distance; and

i. Require workers to wear cloth face coverings and gloves while on the premises, except where doing so would inhibit that worker's health, and require workers to wear gloves when in contact with customers or goods. Businesses must provide, at their expense, such face coverings and gloves for their employees. Customers that enter the food business will similarly be required to wear cloth face coverings, except where doing so would inhibit that individual's health or where the individual is under the age of two, but will not be required to wear such covering when receiving a delivery or when picking up goods outside of the physical premises of the food business. If a worker or customer refuses to wear a cloth face covering for non-medical reasons and if such covering cannot be provided to the individual by the food business at the point of entry, then the food business must decline entry to the individual. Such food business should, however, arrange for delivery, curbside pick-up or alternative arrangements wherever possible. Nothing in the stated policy should prevent workers or customers from wearing a

surgical-grade mask or other more protective face covering if the individual is already in possession of such equipment, or if the business is otherwise required to provide such worker with more protective equipment due to the nature of the work involved. Where an individual declines to wear a face covering inside the food business due to a medical condition that inhibits such usage, neither the food business nor its staff shall require the individual to produce medical documentation verifying the stated condition.

6. The State Director of Emergency Management ("State Director"), who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order.

7. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Executive Order, and to cooperate fully with Administrative Orders issued pursuant to this Executive Order.

8. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, with any of the provisions of Executive Order No. 122 (2020), or with any of the provisions of any subsequent Administrative Orders adopted pursuant to either this Order or Executive Order No. 122

(2020), or which will or might in any way interfere with or impede the achievement of any or all of these Orders.

9. Penalties for violations of this Executive Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

10. This Order shall take effect beginning at 8:00 p.m. on Monday, April 13, and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this 11th day of April, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor