

Philip D. Murphy, Governor
Tahesha L. Way, Lieutenant Governor
Francis K. O'Connor, Commissioner
Kevin S. Corbett, President & CEO

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NEWARK, NJ 07105-2246
973-491-7000



September 19, 2024

Via Electronic Mail: request-66461-4e62a121@requests.opramachine.com

Jessica Kramers

RE: OPRA 240911-808822

Dear Ms. Kramers:

New Jersey Transit Corporation ("NJ TRANSIT") is in receipt of your requests pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. ("OPRA") and the common law, dated September 11, 2024, seeking (a) "any surveillance footage of Ahmad Khan Rahami"; (b) "any surveillance in connection to this case"; (c) "any 911 calls of people who rang to identify the suspicious bag placed in Elizabeth Station, New Jersey"; and (d) "any other relevant audio/visual materials for this case." (the "Request").

Regarding the aspects of your request seeking surveillance and surveillance footage, please be advised that security system footage for any public building, facility, or grounds, such as the Elizabeth train station, do not constitute "government records" under OPRA unless specific additional information is provided. N.J.S.A. 47:1A-1.1. Your request does not include such information and is therefore denied under OPRA.

The remaining items in your request do not identify specific government records. Blanket requests of this nature that require public agency staff to conduct research are overbroad and are therefore denied under OPRA. N.J.S.A. 47:1A-5(g).

As to the portions of your request seeking records under the common law, please be advised that the Supreme Court of New Jersey established that, to obtain records under the common law, "a requestor must make a greater showing than OPRA requires." N. Jersey Media Group, Inc. v. Twp. of Lyndhurst, 229 N.J. 541, 578 (2017). Specifically, the requestor must "establish an interest in the subject matter of the material[.]" Ibid; see also Rivera v. Union Cty. Prosecutor's Office, 250 N.J. 124, 144 (2022). Accordingly, please state with specificity your interest in each of the requested records as required by the relevant case law so that NJ TRANSIT can properly evaluate your requests. You may provide this information by e-mail to OPRA@njtransit.com.

Should you wish to submit a new request for specific records, please do so via the web form available at <https://www.njtransit.com/contact/open-public-records-act>. Any questions or concerns regarding this matter can be submitted via e-mail to OPRA@njtransit.com.

Sincerely,

Antoinette Lejano

Antoinette Lejano
Senior OPRA Specialist
Office of the General Counsel

AL/KBG