

Executive Committee

September 12, 2024 | 3:30 p.m.



Onsite:

Greater Portland Transit District
114 Valley Street, Conference Room A | Portland, ME 04102

Remote:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84142523243?pwd=RjBWTStDV2R3enB6MzA0Q1haZVFQZz09>

Passcode: 344764 | Webinar ID: 841 4252 3243

Phone: (646) 931-3860 | Telephone participants: *9 to raise hand, *6 to unmute

MEETING AGENDA

AGENDA ITEM	PRESENTER	ACTION or INFORMATION
1. Call Meeting to Order (3:30)	Ed Suslovic, Board President	N/A
2. Public Comment (3:30-3:35) The Board of Directors welcomes public comments at this time for items <u>not listed</u> on this agenda at this time. For items listed on the agenda, the chair will allow members of the public to comment following the staff presentation. There is a <i>three-minute time limit</i> per speaker. (Comments will be paraphrased in meeting minutes)	Ed Suslovic, Board President	Information
3. Meeting Minutes (3:35-3:35) Review and approve minutes from the July 8, 2024 and August 14, 2024 meetings.	Ed Suslovic, Board President	ACTION
4. South Portland Merger Update (3:35-3:50) Staff will report on recent developments regarding South Portland rejoining Metro including outcomes of the South Portland City Council Workshop on September 10, 2024.	Glenn Fenton, Executive Director	Information /ACTION
5. Review of Metro's Advertising Policy (3:50-4:05) Staff will review Metro's current advertising policy and the effects of the policy on Metro's revenue.	Glenn Fenton, Executive Director	Information
6. Future Agenda Items (4:05-4:10) <ul style="list-style-type: none">Agency Strategic Planning (Ongoing)South Portland MergerMetro's Advertising PolicyPACTS Initiatives and Reforms (Ongoing)	Ed Suslovic, Board President	Information
7. Upcoming Meetings (4:05-4:10) <ul style="list-style-type: none">Ridership Committee – September 18, 2024 at 3:30 pm	Ed Suslovic, Board President	Information

<ul style="list-style-type: none"> • Board of Directors – September 26, 2024 at 4:00 pm • Finance Committee – October 2, 2024 at 4:00 pm • Executive Committee – October 9, 2024 at 3:30 pm 		
8. Adjournment (4:10)	Ed Suslovic, Board President	ACTION

As of November 9, 2022 Greater Portland METRO is holding meetings of the Board of Directors (and its committees) in hybrid format, both in person at METRO’s offices and via webinar. The remote portions of all meetings are conducted in accordance with the requirements of [METRO’s Remote Participation Policy](#) (adopted August 25, 2022) as well as LD 1772, PL 2022 Ch. 666, and 1 MRSA Chapter 13, Subchapter 1.



**Greater Portland Metro Executive Committee
Monday, July 8, 2024:
DRAFT Meeting Minutes:**

Member	Municipality	Role	Status
Ed Suslovic	Portland	President & Chair	Present
Hope Cahan	Falmouth	Vice President & Vice Chair	Present
Paul Bradbury	Portland	Treasurer	Present
John Thompson	Westbrook	Secretary	Present
Jeff Levine	Portland	Board Member	Present

Staff Present	Identified Members of the Public
Shelly Brooks – Chief Financial Officer Mike Tremblay, Director of Transit Development	Robert Babbitt, KL2Connects Kristen Joyner, KL2Connects

I. With a Quorum in place, this meeting was called to Order By: Ed Suslovic at: 3:30 pm.

II. Public Forum:
No public comment at the time.

III. Approval of June 18th and June 27th 2024 Meeting Minutes:
Hope Cahan motioned to approve the June 12, 2024 meeting minutes. It was seconded by Paul Bradbury. After a roll call vote, the June 12, 2024 meeting minutes were unanimously approved.

IV. Executive Session:
The committee entered executive session pursuant to 1 MRSA Section 405 (6) (A), to discuss a personnel matter. Paul Bradbury motions, seconded by John Thompson to enter executive session at 3:35pm. The committee exited executive session at 3:45 pm.

V. Executive Director Recruitment:
John Thompson motioned to move the recommendation of Metro’s Executive Director to the Board of Directors for approval. It was seconded by Hope Cahan. After a roll call vote, the motion was unanimously approved.

VI. Adjournment: Ed Suslovic declared the meeting adjourned at 4:00 pm.



**Greater Portland Metro Executive Committee
Wednesday, August 14, 2024:
DRAFT Meeting Minutes:**

Member	Municipality	Role	Status
Ed Suslovic	Portland	President & Chair	Present
Hope Cahan	Falmouth	Vice President & Vice Chair	Present
Paul Bradbury	Portland	Treasurer	Present
John Thompson	Westbrook	Secretary	Present

Staff Present	Identified Members of the Public
Glenn Fenton – Executive Director, Interim Chief Transportation Officer Debbie Fitzpatrick – Accounting Manager Shelly Brooks – Chief Financial Officer	

I. With a Quorum in place, this meeting was called to Order By: Ed Suslovic at: 3:32 pm

II. Public Forum:
No members of the public wanted to comment.

III. Approval of July 10, 2024 Meeting Minutes:
John Thompson motioned to approve the July 10, 2024 meeting minutes. It was seconded by Hope Cahan. After a roll call vote, the July 10, 2024 meeting minutes were unanimously approved with one abstained.

IV. Personnel Policy Update:
Ed Suslovic lead the discussion on item 4, Personnel Policy Update. Hope Cahan motions to approve, John Thompson seconds, after a roll call vote, it is passed unanimously to bring the updated Personnel Policy to the board to vote.

V. South Portland Merger Update:
Glenn Fenton lead the discussion on item 5, South Portland Merger update. Ed and Glenn will be working to schedule a meeting with the South Portland City Manager before the next council meeting. Staff have been working with MaineDOT and FTA regarding one-time transition costs and transfer of Federally funded assets, with positive results. Staff will continue to work to resolve the issues raised by the South Portland City Council before the next workshop presentation.

VI. Future Agenda Items:

- Board restructure and governance (TBD)
- Agency Strategic Planning (Ongoing)
- PACTS Initiatives and Reforms (Ongoing)

VII. Upcoming Meetings:

- Ridership Committee – August 21, 2024 at 3:30 pm
- Board of Directors – August 22, 2024 at 4:00 pm
- Executive Committee – September 11, 2024 at 3:30 pm
- Finance Committee – September 4, 2024 at 4:00 pm
- Board Member Orientation? – (TBD in September)

VIII. Adjournment:

Paul Bradbury motions, John Thompson seconded, meeting was adjourned at 4:20 pm.

DATE

September 12, 2024

SUBJECT

Agency Advertising Policy and Practices

PURPOSE

Review and discuss our advertising revenue, advertising policy, and internal practices that affect advertising revenue

BACKGROUND/ANALYSIS*Advertising Policy*

In 2020, the Metro Board of Directors updated its advertising policy (*Attachment A*). The primary goal of these updates was to provide the Board of Directors with more discretion over the subject matter of certain advertising that may be political in nature. The new policy, as a default, restricts advertising by nonprofit entities unless they have a specific call to action or are done in partnership with Metro as a mutually beneficial campaign, and other specific circumstances. In practice, this has mostly suppressed all nonprofit advertising, including certain universities, healthcare providers, and credit unions. The policy was revisited by the Executive Committee in June 2021, where the policy was affirmed as written but expanded upon to strictly limit Metro's endorsement to those organizations/advertising campaigns that Metro's Board specifically wants to support, and which aligns with Metro's mission and goals.

According to our advertisement placement agency (ATA Outdoor), national, for-profit advertisers have largely begun focusing on the largest US advertising markets. Ad placements for such advertisers have become more sporadic, with shorter contract terms resulting in more periods of vacancy, and more hesitancy to purchase larger, more revenue-producing ad displays. According to ATA, nonprofit healthcare facilities, universities, and credit unions tend to be local, and thus prefer to advertise locally and with more of a commitment than for-profit advertisers. These advertisers have largely shifted to other nearby markets, and/or have reduced their footprint in outdoor marketing entirely. ATA states that revising our advertising policy, which is the most strict of all their clients, could lead to some higher value, longer-term contracts, though it may take some time for some (formerly regular) advertisers to come back to Metro.

Availability of Ad Space

Finally, Metro has reduced our capacity for advertising overall since the current advertising policy was adopted in 2020. Metro has introduced subfleets (electric buses and BREEZ buses) that have been omitted from the list of vehicles available for advertising. Husky Line buses have been exempt from advertising except on the back of buses. Metro also keeps two to four full-

size buses with standard branding clean from advertising for marketing photos and occasional opportunities that may need to be acted on quickly.

Meanwhile, Metro has nine bus shelters that have been removed from consideration for advertising in order to be reserved for public art, and others that are unavailable due to being on private property or in a municipality that has not opted into allowing advertising in shelters (Falmouth). Metro has added some shelters in recent years, though these have tended to be outside the urban core where advertisers find the most value in advertising.

Metro’s advertising policy does not specify how Metro staff should designate our buses and shelters for advertising; except where limited by municipal law and private property agreements, Metro staff can make buses and shelters available or unavailable for advertising at its own discretion, though with guidance from the Board. As the agency’s brand is now more than six years old, previous concerns about covering up our branding may no longer be as pressing. On the other hand, continued prevalence of our branding may help to reinforce the perception of our system as a municipal service, rather than a “rolling billboard”.

Advertising Revenue

Metro’s advertising revenue has fallen in terms of real dollars and as a percentage of Metro’s overall revenue since 2019, the year before the current advertising policy was adopted. While much of this is likely due to uncertainty and market changes due to COVID-19, and changes in the marketing environment that may or may not be related to the pandemic, it is likely that some of these changes can be attributed to our advertising policy.

Year	2019	2020	2021	2022	2023	2024 (proj)
Advertising Revenue	\$288,995	\$165,793	\$194,244	\$349,816	\$243,637	\$280,000
Value in 2019 \$	\$288,995	\$163,772	\$183,267	\$305,591	\$204,421	\$227,583
% of Metro revenue	2.64%	1.36%	1.63%	2.66%	1.79%	1.94%

Note: 2022 revenue includes \$134,113 in AT&T ad sales that ATA Outdoor describes as “an anomaly”.

POSSIBLE UPDATES TO ADVERTISING POLICY

Any and all changes to Metro’s advertising policy would be made in consultation with Metro’s legal consultant, Drummond Woodsum, and approved by the Board of Directors.

A review of advertising policies from other regional transit agencies shows that there is likely some room for adjustment in order to make our policy friendlier to apolitical non-profit advertising. Example policies are attached to this item. Such adjustments may include:

- Allowance for public service announcements from non-profits, as shown in the advertising policy (*Attachment B*) for the Massachusetts Bay Transit Authority (MBTA), including:
 - *The availability of services to prevent or treat illnesses or to promote wellness;*
 - *The availability of services to promote health and safety;*

- *The availability of education or training services;*
- *The availability of services and programs that provide support to low income citizens, children, senior citizens, or people with disabilities; (note: could also include persons with limited English proficiency under this item)*
- *Events related to arts and culture, museum exhibitions, or religious services; or*
- *Solicitation by broad-based contribution campaigns that provide funds to multiple charitable organizations active in the above-listed areas*
- Allowance for commercial advertising that includes additional categories (rent, lease, license, brand, property, and programs), as outlined in the MBTA advertising policy.
- Specific prohibition against political and public issue advertising, as outlined in the Chicago Transit Authority (CTA) advertising policy (*Attachment C*) and San Francisco Municipal Transit Agency (SFMTA) (*Attachment D*).

POSSIBLE CHANGES TO INTERNAL POLICIES RELATING TO ADVERTISING SPACE

In order to maximize the potential for additional advertising revenue, Metro staff could make one or more of the following changes to our internal policies on advertising:

- Make more traditionally branded buses available for advertising, leaving fewer “clean” buses available for marketing and for brand recognition;
- Allow advertising to be placed on one or more subfleets (Electric buses, Husky Line buses, and/or BREEZ buses), even if this obscures branding elements.
- Allow for “full wrap” advertising on traditionally branded buses and/or subfleets, which generate the highest revenue but completely obscure any branding on buses (currently only allowed on 2011 and 2014 series buses that are not painted with Metro’s branding)
- Allow placement of rectangular advertising panels on newer buses, which are popular among advertisers but would partially obscure any branding (currently only allowed on 2011 and 2014 series buses that are not painted with Metro’s branding)

Staff welcomes discussion on these possible changes to internal policy, particularly on the importance of Metro’s primary and subfleet branding vs. advertising revenue.

FISCAL IMPACT

This item is for information and discussion. Revisions to our policy and/or internal practices should result in increased potential for additional advertising revenue.

RECOMMENDATION

Staff recommends that this item be revisited by our legal consultant, with potential changes to be reviewed by Executive Committee and possibly submitted for Board approval at a later date.

CONTACT

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 Director of Transit Development
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 207-517-3023

ATTACHMENTS

Attachment A – Metro’s current Advertising Policy, adopted 12/2020

Attachment B – Massachusetts Bay Transit Authority Advertising Policy

Attachment C – Chicago Transit Authority Advertising Policy and Ordinance

Attachment D – San Francisco Municipal Transit Agency Advertising Policy



METRO ADVERTISING POLICY

Article I. Applicability; Purpose

This Advertising Policy applies to all advertisements proposed to be displayed in or on any METRO buses, vans, shelters, bus stops, and other transit facilities (collectively, “METRO Transit Facilities”) on or after the Effective Date.

The operations of Greater Portland Transit District (METRO) are funded by a combination of federal, state, and local funds, including fare revenues. Advertising revenues are an important supplemental source of revenue that is a part of METRO’s operating budget and supports its transit operations. Revenues derived from advertising also reduce the local assessments for its member municipalities. METRO’s purpose in allowing paid advertising to be displayed on or in METRO Transit Facilities is to maximize such supplemental revenue to support its operations without adversely affecting its ridership numbers or quality.

The purpose of this Advertising Policy is to establish uniform, reasonable, and viewpoint-neutral standards and procedures that are consistently applied in determining the acceptability of proposed advertising on or in METRO Transit Facilities.

Article II. Nonpublic Forum; METRO as Proprietor; METRO’s Speech Not Restricted

A. Nonpublic Forum; METRO as Proprietor.

METRO Transit Facilities constitute nonpublic forums that are subject to the viewpoint-neutral restrictions set forth in this Advertising Policy. Nothing contained in this Advertising Policy or its implementation by METRO, its employees, officers, or agents (including without limitation its Advertising Contractor) is intended or shall be construed to create, designate, or use METRO Transit Facilities as a public forum for expressive activities or general discourse.

By accepting advertising for display in or on METRO Transit Facilities, METRO is acting in a proprietary capacity as a provider of public transportation seeking to maximize advertising revenue to support its operations. In furtherance thereof, METRO limits the advertisements it will accept for display in or on METRO Transit Facilities in accordance with the provisions of this Advertising Policy.

B. METRO’s Speech Not Restricted.

Notwithstanding the Advertising Standards in Article III, METRO has the unqualified right to display in or on METRO Transit Facilities, and to prioritize the display of, (i) informational notices concerning METRO operations, services, or promotions; (ii) cross-promotional material;¹ and (iii) any advertisement that is procured or endorsed by the METRO Board of Directors, including without limitation commercial advertising, governmental advertising, and public service announcements. For purposes of this Advertising Policy, a vote by a majority of the METRO Board

¹ “Cross-promotional material” means an advertisement that concerns a cooperative partnership in which one or more entities works together with METRO with the goal of jointly promoting their respective goods, services, events, or messages.

of Directors present and voting to approve or support an advertisement constitutes an endorsement.

Article III. Advertising Standards

- A. Permitted Advertising. METRO will accept for display on or in any METRO Transit Facilities paid or unpaid advertisement that falls within one or more of the following categories:
1. Commercial Advertising. The advertisement promotes or solicits a commercial transaction concerning the sale, distribution, or availability of goods, services, or events for an advertiser's commercial or proprietary interest.
 2. Governmental Advertising. The advertiser is the United States government, the State of Maine, or any of the member municipalities of METRO and the advertisement furthers or supports a specific governmental purpose.
 3. METRO-Endorsed Advertising. The advertisement is endorsed by the METRO Board of Directors pursuant to Article II.B.
- B. Prohibited Advertising. Notwithstanding Article III.A, METRO will not accept for display on or in any METRO Transit Facilities any advertisement that falls within one or more of the following categories, unless such advertisement is endorsed by the METRO Board of Directors pursuant to Article II.B:
1. Non-Commercial Matter. The advertisement does not promote or solicit a commercial transaction concerning the sale, distribution, or availability of goods, services, or events for an advertiser's commercial or proprietary interest.
 2. Adult Entertainment. The advertisement promotes or contains images, copy, or concepts associated with adult entertainment establishments or sexually oriented goods or services, including but not limited to adult book stores, video stores, dance clubs, telephone services, internet sites, films (including X-rated or NC-17 rated films), video games, and escort services.
 3. Alcohol, Tobacco, and Cannabis. The advertisement (i) depicts alcohol, tobacco or tobacco-related products, or cannabis or cannabis-related products; (ii) simulates drinking, smoking, vaping, or ingesting of alcohol, tobacco or tobacco-related products, or cannabis or cannabis-related products; (iii) promotes events related to alcohol, tobacco or tobacco-related products, or cannabis or cannabis-related products; or (iv) otherwise promotes the use or sale of alcohol, tobacco or tobacco-related products, or cannabis or cannabis-related products.
 4. Demeaning, Defamatory, or Disparaging Content. The advertisement contains images, copy, or concepts that demean or disparage any individual or group or is libelous.
 5. False, Misleading, or Deceptive Content. The advertisement is false, misleading, or deceptive.
 6. Firearms. The advertisement contains images, copy, or concepts of guns or firearms.
 7. Unlawful or Illegal Conduct, Goods, or Services. The advertisement contains images, copy, or concepts that promote or encourage, or appear to promote or encourage, unlawful or

illegal conduct (including without limitation infringement of copyright) or the use or possession of unlawful or illegal goods or services.

8. METRO's Endorsement. The advertisement contains images, copy, or concepts that inaccurately state or imply METRO's endorsement of the subject of the advertisement.
 9. METRO's Interests. The advertisement contains images, copy, or concepts that (i) encourage or depict unsafe behavior with respect to METRO's transit operations; (ii) are directly adverse to the commercial, administrative, or proprietary interests of METRO; or (iii) METRO reasonably foresees would incite or provoke violence or would otherwise result in harm to, disruption of, or interference with METRO's transit systems or services.
 10. Prurient Sexual Suggestiveness. The advertisement contains images, copy, or concepts that describe, depict, or simulate sexual activities, or aspects of the human anatomy in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest of minors or adults in sex.
 11. Violence. The advertisement contains images, copy, or concepts of graphic violence, including without limitation: (i) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement; or (ii) the depiction of weapons or other implements or devices used in the advertisement in an act of violence or harm on a person or animal.
 12. Vulgarity or Obscenity. The advertisement contains images, copy, or concepts that are obscene, vulgar, crude, sexually suggestive, indecent, profane, or scatological.
- C. Sponsorship Disclaimer. METRO reserves the right to require that any advertisement accepted for display on or in METRO Transit Facilities include a statement of sponsorship ("This message is sponsored by _____") and/or a disclaimer indicating that the advertisement is not sponsored by METRO and does not constitute an express or implied endorsement of its content, viewpoint, or the advertising sponsor.

Article IV. Review of Proposed Advertisement

For purposes of this Article IV, "Advertising Contractor" means the advertising agency or firm retained by METRO to solicit, review, and publish approved commercial advertising on METRO Transit Facility. "Contract Administrator" means the METRO General Manager or designee.

- A. Initial Review by Advertising Contractor. The Advertising Contractor will initially review each advertisement submitted for display on or in METRO Transit Facilities to determine whether the advertisement complies with the Advertising Standards in Article III. If the Advertising Contractor determines that advertisement complies with the Advertising Standards, the Advertising Contractor may display the advertisement pursuant to the separate terms of its agreement with METRO. If the Advertising Contractor determines that advertisement does not, or may not, comply with the Advertising Standards, the Advertising Contractor will promptly forward to the Contract Administrator the proposed advertisement, name of the advertiser, size and number of proposed advertisements, proposed dates and locations of displays, and the reason for the Advertising Contractor's determination that the proposed advertisement does not, or may not, comply with the Advertising Standards.

- B. Review by Contract Administrator. Upon the Contract Administrator's receipt of the advertisement and supporting information, the Contract Administrator will review the advertisement and supporting information to determine whether the advertisement complies with the Advertising Standards. In reaching this determination, the Contract Administrator may consider any materials submitted by the advertiser and may consult with the advertiser, Advertising Contractor, and METRO's general counsel. If the Contract Administrator determines that the advertisement does not comply with the Advertising Standards, the Contract Administrator will so advise the Advertising Contractor of the determination in writing, who will in turn notify the advertiser. The determination of the METRO Contract Administrator is final.
- C. Opportunity for Revision by Advertiser. If the Contract Administrator determines that the advertisement does not comply with the Advertising Standards, the Advertising Contractor may, in consultation with the Contract Administrator, discuss with the advertiser revisions to the advertisement to try to bring the advertisement into conformity with the Advertising Standards, and the advertiser may submit a revised advertisement for review.
- D. Removal of Non-Complying Advertisements. Notwithstanding the foregoing Sections A, B, and C, if the Contract Administrator determines at any time that an advertisement accepted for display by the Advertising Contractor does not comply with the Advertising Standards, the Contract Administrator will notify the advertiser in writing of the determination and direct the Advertising Contractor to remove the advertisement. Upon such instruction, the Advertising Contractor will promptly remove the advertisement, will provide the advertiser with a copy of this Advertising Policy, and may, with the Contract Administrator, discuss with the advertiser revisions to the advertisement which, if undertaken, would bring the advertisement into conformity with the Advertising Standards. The advertiser will then have the option of submitting a revised advertisement for review. If METRO and the advertiser do not reach agreement with regard to a revision of the advertisement, the METRO Contract Administrator will issue a final written notice of its decision, which will then be relayed to the advertiser. The determination of the Contract Administrator is final.

Article V. Miscellaneous

- A. Severability. If any portion of this Advertising Policy is declared invalid by a court of competent jurisdiction, such portion shall be deemed severable and shall not affect the validity of the remaining portions of this Advertising Policy, which shall continue in full force and effect.
- B. Effective Date. This Advertising Policy is effective as of December 18, 2020 in accordance with approval by the Board of Directors.

Guidelines Regulating MBTA Advertising

Adopted November 23, 2015

Amended November 20, 2017

Amended October 31, 2022

Purpose

Through these Guidelines the MBTA intends to establish uniform, viewpoint-neutral standards for the display of advertising. In setting its advertising standards, the MBTA seeks to fulfill the following goals and objectives:

- (a) maximization of revenue generated by advertising;
- (b) maximization of revenue generated by attracting, maintaining, and increasing ridership;
- (c) maintaining the safe and orderly operation of the MBTA;
- (d) maintaining a safe and welcoming environment for all MBTA passengers, including minors who travel on or come in contact with the MBTA system; and
- (e) avoiding the identification of the MBTA or the Commonwealth of Massachusetts with advertisements or the viewpoints of the advertisers.

The MBTA reserves the right, from time to time, to suspend, modify or revoke the application of any or all of these Guidelines as it deems necessary to comply with legal mandates, to accommodate its primary transportation function and to fulfill the goals and objectives referred to herein. All the provisions of these Guidelines shall be deemed severable.

Advertising Program and Administration

- (a) These guidelines shall apply to advertising on or in all MBTA equipment and facilities (including but not limited to land, terminals, stations, garages, yards, shops, structures, rolling stock, vehicles, fences, equipment, electronic and hard copy media, websites, and other personal property) unless otherwise expressly provided by contract regarding a premise covered by an alcoholic beverages license.
- (b) The MBTA shall, from time to time, select an “Advertising Contractor” who shall be responsible for the daily administration of the MBTA’s advertising program in a manner consistent with these Guidelines and the terms of its agreement with the MBTA. The advertising program shall include, but not be limited to, promotion, solicitation, sales, accounting, billing, collections, and posting of advertising displays on or in all MBTA equipment and facilities.
- (c) The Advertising Contractor shall provide, or shall subcontract for, all employees and equipment necessary to perform the work and provide the services required by the MBTA.

- (d) The MBTA shall designate an employee as its “Contract Administrator” to be the primary contact for the Advertising Contractor. Questions regarding the terms, provisions and requirements of these Guidelines shall be addressed initially to the Contract Administrator.

MBTA Operations and Promotions

The MBTA has the unqualified right to display, on or in its equipment and facilities, advertisements and notices that pertain to MBTA operations and promotions, consistent with the provisions of its agreement with the Advertising Contractor.

Disclaimer

The MBTA reserves the right, in all circumstances, to require that an advertisement on or in its equipment and facilities include a disclaimer indicating that it is not sponsored by, and does not necessarily reflect the views of, the MBTA.

Advertising Standards

- (a) The MBTA intends that its equipment and facilities constitute a nonpublic forum that are subject to the viewpoint-neutral restrictions set forth below, which are designed to ensure that advertising on MBTA property serves the purposes set forth above. Certain forms of paid and unpaid advertising will not be permitted for placement or display on or in MBTA equipment and facilities. By adopting this policy, the MBTA does not agree or consent to any implication that any property owned by the MBTA is any type of public forum.
- (b) The MBTA may display advertisements that fall under one or more of the following categories:
 - (i) Commercial advertising. Advertising with the purpose of soliciting or promoting the sale, rent, lease, license, distribution, brand, or availability of goods, property, services, programs, or events for the advertiser’s commercial or proprietary interests.
 - (ii) Governmental advertising. Advertising sponsored by a federal, state, or local governmental entity that advances a specific governmental purpose.
 - (iii) Public Service Announcements from Non-Profits. Advertising sponsored by a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code that is directed to the general public or a significant segment of the general public and the sole expressed purpose of which relates directly to:

(A) the availability of services to prevent or treat illnesses or to promote wellness;

(B) the availability of services to promote health and safety;

(C) the availability of education or training services;

(D) the availability of services and programs that provide support to low income citizens, children, senior citizens, or people with disabilities;

(E) events relating to arts and culture, museum exhibitions, or religious services; or

(F) solicitation by broad-based contribution campaigns that provide funds to multiple charitable organizations active in the above-listed areas.

(c) Notwithstanding section (b) above, the MBTA shall not display or maintain any advertisement that falls within one or more of the following categories:

(i) Incitement or “Fighting Words”. The advertisement contains material, or directs viewers to material, that the MBTA reasonably foresees would imminently incite or provoke violence or other immediate breach of peace, and so harm, disrupt, or interfere with safe, efficient, and orderly transit operations.

(ii) Demeaning or Disparaging. The advertisement contains material that demeans or disparages an individual or group of individuals. For purposes of determining whether an advertisement contains such material, the MBTA will determine whether a reasonably prudent person, knowledgeable of the MBTA’s ridership and using prevailing community standards, would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of, an individual or group of individuals.

(iii) Tobacco, Cannabis, and Smoking or Smoking-Simulation Products. The advertisement promotes the sale or use of, or depicts: (1) tobacco or tobacco-related products; (2) products that simulate smoking or are modeled on tobacco products, including but not limited to cigarettes, cigars, smokeless (e.g. chewing) tobacco and electronic cigarettes, or vaping devices; or (3) cannabis, cannabis accessories or cannabis products.¹

¹ The terms “Cannabis,” “Cannabis Accessories,” and “Cannabis Products” are defined at 935

- (iv) Profanity. The advertisement contains or implies profane language.
- (v) Firearms. The advertisement either (a) advertises a firearm or a brand of firearms, (b) contains an image of a firearm in the foreground of the main visual, or (c) contains image(s) of firearm(s) that occupy 15% or more of the overall advertisement.
- (vi) Violence. The advertisement contains an image or description of graphic violence, including but not limited to (1) the depiction of human or animal bodies, body parts or fetuses, in states of mutilation, dismemberment, decomposition or disfigurement, and (2) the depiction of weapons or other implements or devices used in the advertisement in an act or acts of violence or harm on a person or animal.
- (vii) Unlawful Goods or Services. The advertisement, or any material referenced or contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
- (viii) Unlawful Conduct. The advertisement, or any material referenced or contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities.
- (ix) Obscenity or Nudity. The advertisement contains obscene material or images of nudity. For purposes of these Guidelines, the terms “obscene” and “nudity” shall have the meanings contained in Massachusetts General Laws ch. 272, §31.²
- (x) Prurient sexual suggestiveness. The advertisement contains material that describes, depicts, or represents, explicitly or by euphemism, sexual activities or aspects of the human anatomy in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest of minors or adults in sex. For

C.M.R. 500.002. For guidance on proposed advertisements concerning hemp and hemp-derived products, the Authority may consult the Department of Agricultural Resources’ Policy Statement Regarding the Sale of Hemp-Derived Products in the Commonwealth, available at <https://www.mass.gov/doc/mdar-policy-statement-sale-of-hemp-derived-products/download>.

² Mass. Gen. Laws ch. 272, §31, defines “obscene” as follows: “matter is obscene if taken as a whole it (1) appeals to the prurient interest of the average person applying the contemporary standards of the county where the offense was committed; (2) depicts or describes sexual conduct in a patently offensive way; and (3) lacks serious literary, artistic, political, or scientific value” Mass. Gen. Laws. ch. 272, §31, defines “nudity” as follows: “uncovered or less than opaquely covered human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple or areola only are covered.”

purposes of these Guidelines, the term “minor” shall have the meaning contained in Massachusetts General Laws ch. 272, §31.³

- (xi) Political Campaign Speech. The advertisement contains political campaign speech. For purposes of these Guidelines, the term “political campaign speech” is speech that (1) refers to a specific ballot question, initiative petition, or referendum, (2) promotes or opposes a political party for local, state, or federal election, or (3) promotes or opposes a candidate or group of candidates for local, state, or federal election. For purposes of these Guidelines, the term “candidate” shall include any person actively campaigning for office, any person who has filed their candidacy or declared their intent to run for office.
- (xii) Endorsement. The advertisement, or any material contained in it, implies or declares an endorsement by the MBTA or the Commonwealth of any service, product, or point of view, without prior written authorization of the MBTA (through its General Manager) or the Commonwealth (through the Secretary of Transportation).
- (xiii) False, Misleading, or Deceptive. The advertisement, or any material contained in it, is false, misleading, or deceptive.
- (xiv) Libel and Intellectual Property Infringement. The advertisement contains material that is libelous, infringes on any copyright, trademark, or other intellectual property rights, or is likely to subject the advertiser or the MBTA to litigation.
- (xv) “Adult”-oriented goods or services. The advertisement promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans, or other materials that are identifiable with: films rated “X” or “NC-17,” video games rated M or AO, adult book stores, adult book, video, or entertainment stores or websites, nude dance clubs and other adult entertainment establishments, adult telephone or video/chat services, and escort services.
- (xvi) The advertisement directs viewers to websites, telephone numbers, or other media sources that contain materials, images, or information that would violate the foregoing Advertising Standards if the materials, images, or information were contained in the advertisement itself.

(d) Limited Display of Alcohol-Related Advertisements:

³ Mass. Gen. Laws ch. 272, §3 I, defines “minor” as “a person under eighteen years of age.

The MBTA may display advertisements that advertise an alcohol product or a brand of alcohol products in the following limited circumstances only:

- (i) The advertisement appears in an MBTA rail station, bus shelter, or billboard, provided, however, that no alcohol advertisements shall be affixed in rail stations where weekday average Student Pass usage exceeds 10% of station ridership, as determined by the MBTA in its sole estimation;
- (ii) Up to fifteen (15) exterior full-body or Ultra Super King train wraps may be displayed across the MBTA subway system (Red, Green, Blue, and Orange lines) at any one time, with a maximum of 4 per line;
- (iii) The advertisement complies with the Outdoor Advertising Association of America's Code of Industry Principles as they concern alcohol advertisements.

The MBTA Advertising Manager may delay implementation of any part of this section.

ORDINANCE NO. 013-63

AN ORDINANCE REPEALING ORDINANCE
NO. 012-30 RELATED TO ADVERTISING
ON THE CHICAGO TRANSIT AUTHORITY
PROPERTY, ADOPTING A
NEW ADVERTISING POLICY AND
GUIDELINES

WHEREAS, The Chicago Transit Authority's ("Authority") primary purpose is to provide safe and efficient public transportation services for persons using its buses, trains, and other facilities; and

WHEREAS, The Chicago Transit Board has determined to permit certain forms of commercial, public service, and other advertising in or upon the Authority's buses, rail cars, stations, facilities and other designated property; and

WHEREAS, The Chicago Transit Board has determined that discharging the Authority's primary purpose of safe and efficient public transportation, while permitting certain advertising in or upon its vehicles and facilities to raise revenues, is best achieved by uniform, viewpoint-neutral standards for the display of advertising that do not interfere with the Authority's obligations to maintain passenger safety, minimize disruption to public transportation services, ensure peace and order on the public transportation system, protect passengers from fraudulent activities, and protect the health, safety and welfare of passengers; and

WHEREAS, On March 14, 2012, the Authority adopted Ordinance No. 012-30, revising and restating the Authority's Advertising Guidelines and permitting certain alcoholic beverage advertising on Authority property; and

WHEREAS, In the interest of clarity, to ensure that the rules for accepting and displaying advertising are consistently enforced and to maintain and enhance the Authority's reputation and public image, revisions were made to the Authority's advertising guidelines; and

WHEREAS, The proposed Advertising Policy clearly states that the sole purpose of transit advertising on Authority property is to raise revenue for the benefit of the Authority; and

WHEREAS, Staff recommends that Ordinance No. 012-30 be repealed in its entirety and that the Advertising Policy and Amended and Restated Advertising Guidelines for advertising on the Authority's buses, rail cars, stations, facilities and other property be adopted; and

ORDINANCE NO. 013-63
(Continued) -2

WHEREAS, Staff further recommends that CTA's property designated for advertising change from a designated public forum to a non-public forum; now, therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. The Chicago Transit Board hereby repeals Ordinance No. 012-30 in its entirety and, in lieu thereof, adopts the Amended and Restated Advertising Policy and Guidelines, attached as Exhibit A hereto, as the Authority's Policy and Guidelines regarding advertising on its buses, rail cars, stations, facilities and other designated property.

SECTION 2. The Advertising Policy and Guidelines shall apply to all requests to post an advertisement in or upon the Authority's vehicles, stations, facilities and other designated property.

SECTION 3. If any part of this ordinance is declared invalid or void, the remainder of the ordinance shall remain in full force and effect.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

May 8, 2013

May 8, 2013

ORDINANCE NO. 013-63
EXHIBIT A

GUIDELINES GOVERNING ALL ADVERTISING IN OR UPON CHICAGO TRANSIT
AUTHORITY FACILITIES AND VEHICLES

I. PURPOSE:

A. This Transit Advertising Policy (“Advertising Policy”) applies to the posting of all new advertisements on transit facilities and transit vehicles on or after the effective date of Ordinance No. 013-63.

1. Chicago Transit Authority System. The Chicago Transit Authority (“CTA”) operates the second largest public transportation system in the nation, providing bus and rail service to the City of Chicago and 35 surrounding suburbs. The CTA’s trains and buses provide nearly 1.7 million rides on an average weekday on eight rail lines and 128 bus routes.
2. Advertising as Revenue Source. The CTA transit operations are funded by a combination of federal, state and local funds, including grants and taxes, as well as fare box revenue. Advertising revenues are an important additional source of revenue that supports transit operations. The CTA’s fundamental purpose in accepting transit advertising is to generate revenue to augment the CTA’s operating budget.
3. Primary Purpose of CTA’s Transit System. The primary purpose of the CTA’s transit system is to provide safe and efficient public transportation within its service area. Consistent with this purpose, the CTA places great importance on maintaining secure, safe, comfortable and convenient transit facilities and transit vehicles in order to, among other things consistent with the provision of effective and reliable public transportation, retain existing riders and attract new users of public transit services. To generate additional revenue while also accomplishing the primary objectives of transit operations, the CTA will accept advertising on its transit facilities and vehicles only if such advertising complies with this Advertising Policy.
4. Non-Public Forum Status. It is the express intention of this Advertising Policy and Ordinance No. 013-63, to convert the CTA’s property allocated for advertising from a designated public forum into a non-public forum.¹ Going forward, the CTA’s acceptance of transit advertising will not provide or create a general public forum for expressive activities. In keeping with its proprietary function as a provider of public transportation, the CTA does not intend its acceptance of transit advertising to permit its transit facilities or transit vehicles to be used as open public forums for

¹ The CTA acknowledges the findings made in *Entertainment Software Association v. Chicago Transit Authority*, 696 F. Supp.2d 934 (N.D. Ill. 2010) and *Planned Parenthood Ass’n/Chicago Area v. Chicago Transit Authority*, 767 F.2d 1225 (7th Cir. 1985) where the CTA’s advertising property was found to be a designated public forum.

public discourse and debate. Rather, the CTA's fundamental purpose and intent is to accept advertising as an additional means of generating revenue to support its transit operations. In furtherance of that discreet and limited objective, the CTA will retain strict control over the nature of the advertisements accepted for posting on or in its transit facilities and transit vehicles and will maintain its advertising space as a non-public forum.

5. Policy Advances Revenue Objective. In the CTA's experience, certain types of advertisements interfere with the program's primary purpose of generating revenue to benefit the transit system. This Advertising Policy advances the advertising program's revenue-generating objective by prohibiting advertisements that could detract from that goal by creating substantial controversy, interfering with and diverting resources from transit operations, and/or posing significant risks of harm, inconvenience, or annoyance to transit passengers, operators and vehicles. Such advertisements create an environment that is not conducive to achieving revenue for the benefit of the transit system or to preserving and enhancing the security, safety, comfort and convenience of its operations. The viewpoint neutral restrictions in this Advertising Policy foster the maintenance of a professional advertising environment that maximizes advertising revenue.

This policy is intended to provide clear guidance as to the types of advertisements that will allow the CTA to generate revenue and enhance transit operations by:

- Increasing and maximizing revenue;
- Preventing the appearance of favoritism by the CTA;
- Preventing the risk of imposing views on a captive audience;
- Maintaining a position of neutrality on controversial issues;
- Preserving the marketing potential of the advertising space by avoiding content that the community could view as offensive, inappropriate or harmful to the public generally or to minors in particular;
- Maximizing ridership;
- Avoiding claims of discrimination and maintaining a non-discriminatory environment for riders;
- Preventing any harm or abuse that may result from running controversial or offensive advertisements; and
- Reducing the diversion of resources from transit operations that are caused by controversial or offensive advertisements.

6. Application of Policy. This Advertising Policy applies to the posting of all new advertisements on transit facilities and transit vehicles on or after the effective date of Ordinance No. 013-63. Any advertisements which would be prohibited under this Advertising Policy, but which were or will be posted pursuant to the terms of a fully executed advertising contract prior to the effective date of this Advertising Policy, will be allowed to be posted or to remain posted for the duration of that contract. The CTA's transit facilities and transit vehicles are a non-public forum and, as such, the CTA will accept only that advertising that falls within the categories of

acceptable advertising specified in this viewpoint neutral policy and that satisfies all other access requirements and restrictions provided herein. This Advertising Policy does not apply to CTA owned property in the possession of another party pursuant to a lease, license or concession agreement.

II. ADVERTISING POLICY:

A. Permitted Advertising Content – The following classes of advertising are authorized on transit facilities and transit vehicles if the advertising does not include any material that qualifies as Prohibited Advertising under this Advertising Policy:

1. Commercial and Promotional Advertising. Commercial and Promotional Advertising promotes or solicits the sale, rental, distribution or availability of goods, services, food, entertainment, events, programs, transactions, donations, products or property (real or personal) for commercial or noncommercial purposes or more generally promotes an entity that engages in such activities.
2. Governmental Advertising. Governmental entities, meaning public entities specifically created by government action, may purchase advertising space for messages that advance specific government purposes.
3. Public Service Announcements. The CTA recognizes that its advertising program and its overall public transportation mission are promoted by allowing for public service announcements. Such announcements engender goodwill with the public because the transit system is seen as a caring and active participant in the community.

A Public Service Announcement must satisfy the following criteria:

- a. The sponsor of a Public Service Announcement must be a government entity or a nonprofit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
 - b. The Public Service Announcement must be directed to the general public or a significant segment of the public and relate to:
 - Prevention or treatment of illnesses;
 - Promotion of safety or personal well-being;
 - Education or training;
 - Provision of children and family services;
 - Solicitation by broad-based contribution campaigns which provide funds to multiple charitable organizations; or
 - Provision of services and programs that provide support to low income citizens, senior citizens, and people with disabilities.
4. Advertisements for Alcohol. Advertising for alcohol products and by alcohol beverage companies shall be subject to the following restrictions:
- a. No advertisements will be permitted on CTA buses;
 - b. No advertisements will be permitted within or on rail stations where ridership by reduced fare student riders (excluding U-Pass riders) exceeds 7.5%, as determined by the CTA;

- c. The placement of alcohol advertisements will be confined to a geographic area defined by Montrose on the North, Roosevelt on the South, Ashland on the West and Lake Michigan on the East, plus the station at Sox/35th Red Line and 35th/Bronzeville/IIT Green Line;
- d. No more than 15 exterior rail car pairs may have alcohol advertisements posted on the transit system at any one time;
- e. In addition, no more than 9.99% of the total advertising space available on the transit system will have alcohol advertising posted on it at any one time; and
- f. Advertising related to the sale of alcoholic beverages shall contain a statement, occupying at least 3% of the area of the advertisement, that indicates the legal drinking age in Illinois and warns of the dangers of alcohol consumption during pregnancy, or in connection with the operation of heavy machinery, or while driving.

B. Prohibited Advertising Content. Advertising is prohibited on transit facilities and transit vehicles if it includes any of the following content:

- 1. Political. Advertisements promoting or opposing a political party, or promoting or opposing the election of any candidate or group of candidates for federal, state, judicial or local government offices are prohibited. In addition, advertisements that are political in nature or contain political messages, including advertisements involving political or judicial figures and/or advertisements involving an issue that is political in nature in that it directly or indirectly implicates the action, inaction, prospective action or policies of a governmental entity are prohibited.
- 2. Public Issue. Advertisements expressing or advocating an opinion, position or viewpoint on matters of public debate about economic, political, religious or social issues are prohibited.
- 3. Prohibited Products, Services or Activities. Any advertising that promotes or depicts the sale, rental, or use of, or participation in, the following products, services or activities; or that uses brand names, trademarks, slogans or other material that are identifiable with such products, services or activities:
 - a. Tobacco: Tobacco products, tobacco-related products, and products that simulate smoking or are modeled on the tobacco products, including but not limited to cigarettes, cigars, and smokeless (e.g., chewing) tobacco, and electronic cigarettes;
 - b. Adult/Mature Rated Films, Television or Video Games: Adult films rated “X” or “NC-17”, television rated “MA” or video games rated “A” or “M”;
 - c. Adult Entertainment Facilities: Adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments;
 - d. Other Adult Services: Adult telephone services, adult internet sites and escort services;
 - e. Nudity, Sexual and/or Excretory Subject Matter: Advertising depicting nudity, sexual conduct or sexual excitement is not permitted. The terms “nudity,”

“sexual conduct,” and “sexual excitement” have the same meanings herein as in 720 ILCS 5/11-21(a) (2011) and as such law may be amended, modified or supplemented. Works of art are excluded;

- f. False or Misleading: Any material that is or that the sponsor reasonably should have known is false, fraudulent, misleading, deceptive or would constitute a tort of defamation or invasion of privacy;
- g. Copyright, Trademark or Otherwise Unlawful: Advertising that contains any material that is an infringement of copyright, trademark or service mark, or is otherwise unlawful or illegal;
- h. Illegal Activity: Advertising that promotes any activity or product that is illegal under federal, state or local law;
- i. Profanity and Violence: Advertising that contains any profane language, or portrays images or descriptions of graphic violence, including dead, mutilated or disfigured human beings or animals, the act of killing, mutilating or disfiguring human beings or animals, or intentional infliction of pain or violent action towards or upon a person or animal, or that depicts weapons or devices that appear to be aimed or pointed at the viewer or observer in a menacing manner;
- j. Firearms: Advertising that promotes or solicits the sale, rental, distribution or availability of firearms or firearms-related products;
- k. Disparaging: Advertising that is intended to be (or reasonably could be interpreted as being) disparaging, disreputable, or disrespectful to persons, groups, businesses or organizations, including advertising that portrays individuals as inferior, evil or contemptible;
- l. Adverse to CTA: Advertising, or any material contained in it, that is directly adverse to the commercial or administrative interests of the CTA, or that tends to disparage the quality of service provided by the CTA, or that tends to disparage public transportation generally;
- m. CTA Graphics and References: Advertising that contains CTA graphics, logos, representations without the express written consent of the CTA;
- n. Insulting, Degrading or Offensive: Any material directed at a person or group that is so insulting, degrading or offensive as to be reasonably foreseeable that it will incite or produce lawless action in the form of retaliation, vandalism or other breach of public safety, peace and order;
- o. Harmful or Disruptive to Transit System: Any material that is so objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of or interference with the transportation system; and
- p. Unsafe Transit Behavior: Any advertisement that encourages or depicts unsafe behavior with respect to transit-related activities, such as non-use of normal safety precautions in awaiting, boarding, riding upon or debarking from transit vehicles.

C. Additional Requirements.

1. Sponsor Attribution and Contact Information. Any advertising in which the identity of the sponsor is not readily and unambiguously identifiable must include the

following phrase to identify the sponsor in clearly visible letters (no smaller than 72 point type for exteriors and 24 point type for interiors): Advertisement paid for by _____.

2. "Teaser ads" that do not identify the sponsor will, however, be allowed so long as a similar number of follow up advertisements are posted within eight weeks of the initial teaser ads that do identify the sponsor of those initial ads.

III. PROCEDURES:

- A. All proposed transit advertising must be submitted to the CTA vendor responsible for marketing the CTA's advertising space and for contracting with advertisers on behalf of the CTA (the "Advertising Vendor") for initial compliance review. The Advertising Vendor will perform a preliminary evaluation of the submission to assess its compliance with this policy. If the Advertising Vendor determines that a proposed advertisement does not comply with this Advertising Policy or is unable to make a compliance determination, it will forward the submission to the CTA's Business Development Department for further evaluation. The Advertising Vendor may at any time discuss with the entity proposing the advertisement one or more revisions to an advertisement, which, if undertaken, would bring the advertisement into conformity with this Advertising Policy. The Advertising Vendor will immediately remove any advertisement that the CTA's Business Development Manager directs it to remove.
- B. In the event the Advertising Vendor determines that a proposed advertisement does not comply with this Advertising Policy or is unable to make a compliance determination, the Business Development Department will review the proposed advertisement for compliance with the guidelines set forth in this policy and will direct the Advertising Vendor as to whether the proposed advertisement will be accepted. In the discretion of the Business Development Department, any proposed transit advertising may be submitted to the Director, Revenue, for review.
- C. The Director, Revenue, shall conduct a final review of the proposed advertising at the request of the Business Development Department. The decision of the Director, Revenue, to approve or reject any proposed advertising shall be final.
- D. The Business Development Department or the Director, Revenue, may consult with the CTA's legal counsel at any time during the review process.
- E. The Business Development Manager and the Director, Revenue are responsible for the implementation of this Advertising Policy.

SFMTA Advertising Policy
Effective November 22, 2017

I. Purpose

The San Francisco Municipal Transportation Agency (SFMTA) operates the seventh largest public transit system in the country and exercises authority under the San Francisco Charter to manage the use by all modes of the City's transportation network. The SFMTA authorizes advertising on and in SFMTA facilities and property (including, but not limited to, buses, light rail vehicles, trolley cars, stations, parking garages, street furniture, cable cars, historic railcars and fare media) and under SFMTA contracts (hereafter "on SFMTA property") for the purpose of generating significant revenue to support SFMTA operations. Advertising shall not interfere with the SFMTA's delivery of transit or other services to the public or with the SFMTA's performance of its many other duties in maintaining the City's transportation network. Advertising on SFMTA property shall be consistent with the Agency's Strategic goals to:

- a. Create a safer transportation experience for everyone.
- b. Make transit, walking, bicycling, taxi, ride-sharing and car-sharing the preferred means of travel.
- c. Improve the environment and quality of life in San Francisco.
- d. Create a workplace that delivers outstanding service.

In keeping with its proprietary function as a provider of public transportation, the SFMTA does not intend by accepting advertising to convert its property into an open public forum for public discourse, debate or expressive activity. Rather, the SFMTA's fundamental purpose is to provide transportation services, and the SFMTA accepts advertising as a means of generating revenue to support its operations. In furtherance of this discrete and limited objective, the SFMTA retains control over the nature of advertisements accepted for posting on SFMTA property and maintains its advertising space as a limited public forum. As set forth in Section II, this Policy prohibits advertisements that could detract from the SFMTA's goal of generating revenue or interfere with the safe and convenient delivery of SFMTA services to the public. Through this Policy, the SFMTA intends to establish uniform, viewpoint-neutral standards for the display of advertising on SFMTA property.

II. Advertising Standards

A. Permitted Advertising Content

The following classes of advertising are authorized on SFMTA property if the advertising does not include any material that qualifies as Prohibited Advertising, as described in subsection (B) below:

- a. Commercial and Promotional Advertising. Advertisements that promote or solicit the sale, rental, distribution or availability of goods, services, food,

entertainment, events, programs, transactions, donations, products or property (real or personal) for commercial or noncommercial purposes or more generally promotes an entity that engages in such activities.

b. Governmental Advertising. Notices or messages from government entities, meaning public entities specifically created by government action, that advance specific government purposes.

c. Public Service Announcements. Announcements which are sponsored by either a government entity or a nonprofit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and which are directed to the general public or a significant segment of the public and relate to:

- Prevention or treatment of illnesses;
- Promotion of safety or personal well-being;
- Education or training;
- Art or culture;
- Provision of children and family services;
- Solicitation by broad-based contribution campaigns which provide funds to multiple charitable organizations; or
- Provision of services and programs that provide support to low income citizens, senior citizens and people with disabilities.

B. Prohibited Advertising Content

Advertising is prohibited on SFMTA property if it includes any content that falls under one or more of the following categories:

1. Political and Public Issue. Any material that (i) promotes or opposes a political party, promotes or opposes any state or local ballot measure or the election of any candidate or group of candidates for federal, state, judicial or local government offices, (ii) is political in nature or contains political messages, including advertisements involving political or judicial figures and/or advertisements involving an issue that is political in nature in that it directly or indirectly implicates the action, inaction, prospective action or policies or a governmental entity, or (iii) expresses or advocates an opinion, position or viewpoint on a matter of public debate about economic, political, religious or social issues.

2. False or Misleading. Any material that is or the sponsor reasonably should have known is false, fraudulent, misleading, deceptive, or would constitute a tort of defamation or invasion of privacy.

3. Copyright, Trademark or Otherwise Unlawful Infringement. Any material that infringes on any copyright, trade or service mark, title or slogan.

4. Obscenity or Pornographic. Any material that is obscene or pornographic.
5. Defamation or Lawless Action. Any material that is clearly defamatory or advocates imminent lawlessness or violent action.
6. Alcohol, Tobacco, or Firearms. Any material that constitutes commercial advertising of alcohol, tobacco or firearms.
7. Profanity and Violence. Advertisement that contains any profane language, or portrays images or descriptions of graphic violence, including dead, mutilated or disfigured human beings or animals, the act of killing, mutilating or disfiguring human beings or animals, or intentional infliction of pain or violent action towards or upon a person or animal, or that depicts weapons or devices that appear to be aimed or pointed at the viewer or observer in a menacing manner.
8. Insulting, Degrading, Disparaging, Demeaning or Offensive. Any material directed at a person or group that is intended to be (or reasonably could be interpreted as being) (i) insulting, degrading, disparaging, demeaning or offensive so as to be reasonably foreseeable that it will incite or produce lawless action in the form of retaliation, vandalism or other breach of public safety, peace and order, or (ii) disparaging or disrespectful to persons, groups, governments, businesses or organizations, including advertisements that portray individuals as inferior, evil or contemptible.
9. Harmful or Disruptive to Transit System. Any material that is reasonably likely to cause harm to, disruption of or interference with the transportation system.
10. Unsafe Transit Behavior. Any advertisement that encourages or depicts unsafe behavior with respect to transit-related activities, such as non-use of normal safety precautions in awaiting, boarding, riding upon or disembarking from transit vehicles.
11. Adverse to SFMTA. Advertising, or any material contained in it, that is directly adverse to the commercial or administrative interests of the SFMTA, or that tends to disparage the quality of service provided by the SFMTA, or that tends to disparage public transportation generally.
12. SFMTA Graphics and References. Advertising that contains SFMTA graphics, logos or representations without the express written consent of the SFMTA.
13. Cannabis. Any material that constitutes commercial advertising of cannabis, cannabis products, cannabis businesses, or cannabis services.

III. Advertising Administration

SFMTA advertising contractors shall be responsible for the daily administration of the SFMTA's advertising in a manner consistent with this Policy and with the terms and conditions of their agreements with the SFMTA.

SFMTA advertising contractors shall post the following language with every advertisement, in a size and location approved by the SFMTA: "The views expressed in this advertisement do not necessarily reflect the views of the San Francisco Municipal Transportation Agency."

This Policy shall be effective upon adoption but shall not be enforced to impair the obligations of any contract in effect at the time of its approval. It shall be incorporated into any new contract for advertising on SFMTA property. SFMTA contracts granting advertising rights shall include this Policy as an attachment and require the following:

- a. Any advertising contractor must comply with the advertising standards set forth in this Policy, as they may be amended from time to time.
- b. Any advertising contractor must display only those advertisements that are in compliance with the Policy.
- c. Any pilot programs or experimental advertisements must be approved by the SFMTA in advance.