

Managing Transit Advertising

POL-MR-6004

This policy applies to any advertising agency hired by Community Transit, both paid and unpaid, on Community Transit's website, electronic media, vehicles and facilities another entities as designated. This policy is intended to provide clear guidance as to the types of advertisements that will allow Community Transit to generate revenue and enhance transit operations.

The primary purpose of Community Transit's transit system is to provide safe and efficient public transportation within its service area. Consistent with this purpose, Community Transit 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, Community Transit will accept advertising on its Transit Facilities and Transit Vehicles only if such advertising complies with this Advertising Policy.

Community Transit's acceptance of transit advertising does not provide or create a general public forum for expressive activities. Community Transit does not intend its acceptance of transit advertising to convert its Transit Vehicles or Transit Facilities into open public forums for public discourse and debate. Rather, Community Transit's fundamental purpose and intent is to accept advertising as an additional means of generating revenue to support its primary purpose; i.e. transit operations. In furtherance of that discreet and limited objective, Community Transit retains strict control over the nature of the advertising accepted for posting on or in its Transit Vehicles and Transit Facilities and maintains its advertising space as a limited public forum.

Community Transit has found that certain types of advertisements interfere with the program's primary purpose of generating revenue to benefit the transit system. This 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 increased 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 policy thus 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 Community Transit to generate revenue and enhance transit operations by:

- Increasing revenue;
- Preventing the appearance of favoritism by Community Transit;
- 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;
- Reducing the diversion of resources from transit operations that is caused by controversial or offensive advertisements.

Community Transit's Transit Facilities and Transit Vehicles are a limited public forum and, as such, Community Transit will accept only that advertising that falls within the categories of acceptable advertising specified in this viewpoint neutral policy and that satisfies all other requirements and restrictions provided herein.

This policy applies to any advertising agency hired by Community Transit, both paid and unpaid, on Community Transit's website, electronic media, vehicles, facilities, and other entities as designated.

1. Community Transit Accepts Advertising on its Transit Facilities and Transit Vehicles.

Advertising allows Community Transit to generate revenue and enhance transit operations.

2. Advertising Companies Hired By Community Transit Will Adhere To This Policy.

Any company hired by Community Transit will use discretion when accepting materials for display or when soliciting potential advertisers. The company will ensure that no materials are displayed which are obscene, libelous, or inconsistent with this policy.

3. Community Transit Reserves Right of Refusal for Advertising.

Community Transit retains strict control over the nature of the advertising accepted for posting on or in its Transit Vehicles and Transit Facilities and maintains its advertising space as a limited public forum. Community Transit reserves the right to suspend, modify or revoke any advertising on its property and to modify or revoke any part of this advertising policy as it deems necessary to carry out its ultimate transit purpose and comply with any applicable law. All of the provisions in this Policy shall be deemed severable.

4. Community Transit's Advertising Does Not Authorize Open Public Forums.

Community Transit's acceptance of transit advertising does not provide or create a general public forum for expressive activities. Community Transit does not intend its acceptance of transit advertising to convert its Transit Vehicles or Transit Facilities into open public forums for public discourse and debate.

5. Community Transit Directs Complaints to Advertising Sales Company.

Complaints received by Community Transit about any advertisement will be directed to the advertising sales company for immediate response. The advertising sales company shall copy the Community Transit Marketing Manager on all response communication and resolution.

6. Community Transit May Request Removal of any Advertisement.

Requests for removal may be made for any advertisement deemed to not meet the content criteria, such as, but not limited to advertisements that:

- Create substantial controversy.
- Interfere with or divert resources from transit operations.
- Pose significant risks of harm, inconvenience, or annoyance to transit passengers, operators and vehicles.

Community Transit expects the advertising sales company or its agents to remove material within 48 hours of receipt of notification. The advertising sales company must confirm the removal with Community Transit's Marketing Manager or designee.

7. Community Transit Prohibits Certain Forms of Paid and Unpaid Advertising.

Advertising is prohibited if it includes any of the following content:

- Demeans or disparages an individual or group of individuals on the basis of race, color, religion, national origin, ancestry, gender, age, disability, ethnicity, sexual orientation or any other characteristic protected under federal, state or local law.
- Promotes or depicts the sale, rental or use of participation in, or images of the following products, services or activities or that uses brand names, trademarks, slogans or other material that are identifiable with products, services or activities:
 - Tobacco products, including but not limited to cigarettes, cigars, and smokeless (e.g. chewing) tobacco and electronic cigarettes.
 - Alcohol: Beer, wine, distilled spirits or any alcoholic beverage licensed and regulated under Washington law, however this prohibition shall not prohibit advertising that includes the name of a restaurant that is open to minors.
 - Marijuana and marijuana products
- Contains profanity or profane language.
- Contains an image or depiction of a firearm or promotes or solicits the sale, rental, or distribution of firearms, firearm-related products, ammunition or other weapons.

- Contains an image or description of graphic violence, including, but not limited to, depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition or disfigurement, and/or the depiction of weapons or other implements or devices associated in the advertisement with an act or acts of violence or harm to a person or animal.
- Promotes, encourages, or appears to promote or encourage the use or possession of unlawful or illegal goods or services.
- Promotes, encourages, or appears to promote or encourage unlawful or illegal behavior or activities.
- Contains obscene material or images of nudity, adult films, television or video games, adult bookstores, nude dance clubs and other adult entertainment. Promotes, encourages, or appears to promote or encourage transactions related to, or uses brand names, trademarks, slogans, or other materials which are identifiable with designations including, but not limited to, films rated "X", adult book stores, adult video stores, adult internet sites, phone services escort services, nude dance clubs and other adult entertainment. Promotes or references films rated "X" or "NC-17", or video games rated "A" or "M".
- Contains material that describes, depicts, or represents sexual activities or aspects of the human anatomy in a way that the average adult, applying contemporary community standards, would find offensive or inappropriate for viewing by minors.
- Political Advertisements. Political advertisements are defined as advertisements that contain political speech referring to a particular ballot question, initiative, petition, referendum, law, candidate, political party or social issue or expresses or advocates opinions or positions upon any of the foregoing. This prohibition includes any advertisement referring to or depicting a candidate for public office in any context.
- Declares or implies endorsement by Community Transit, or the jurisdictions within its service, of any product, service, or point of view, without prior written authorization of Community Transit or the member jurisdiction.
- Proposes a commercial transaction when the advertisement, or any material contained in it, is false, misleading or deceptive.
- Libels or infringes on copyright, or contains any material that is libelous or infringes on copyright.
- Religious Advertisements. Religious advertisements are defined as advertisements that contain any direct or indirect reference to religious content, including references to any deity or deities, or which includes the existence, nonexistence or other characteristics of any deity or deities, or to any religious creed, denomination, belief, tenet, relating to (including opposing or questioning) any religion. This prohibition shall include the depiction of text, symbols, or images commonly associated with any religion or with any deity or deities, or any religious creed, denomination, belief or tenet, relating to (including opposing or questioning) any religion.
- Prominently contains website addresses or telephone numbers that direct visitors or callers to material that violates any of the above restrictions.

- Promotes any activity or product that is illegal under federal, state, or local law.
- Contains material that is so objectionable as to be reasonably foreseeable that it will result in harm to, disruption of, or interferences with the transportation system. For purposes of determining whether an advertisement contains such material, Community Transit will determine whether a reasonably prudent person, knowledgeable of Community Transit's ridership and using prevailing community standards, would believe that the material is so objectionable that it is reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system.
- Flashing lights, sound makers, mirrors or other special effects that interfere with the safe operation of the bus or the safety of bus riders, drivers or other vehicles or the public at large.
- 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.

8. Community Transit's Acceptance of Advertisement Does Not Constitute Endorsement of Advertisement Content or Message.

Acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products, services information or viewpoints contained therein, or of the advertisement sponsor itself. This endorsement disclaimer extends to and includes content that may be found via internet addresses, quick response (QR) codes, and telephone numbers that may appear in posted advertisements and that direct viewers to external sources of information.

Approved by: Community Transit Board of Directors, May 2, 2013

Written by: Bonnie Ginsberg, Marketing Manager and Matt Hendricks, Legal Counsel

Cancels or supersedes: New

Last reviewed: May 2012

See also: N/A