

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Regulation Number: AR-1006

Computer Title: Advertising


Effective Date: September 27, 2002

Pages: 5

**TITLE: ADVERTISING POLICY AND REGULATIONS**

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## Procedure History

<b>NEW POLICY</b>	<b>SUMMARY OF POLICY</b>	<b>APPROVED</b>
9/27/02	To Create a policy regarding advertising on buses	S. A.
9/26/03	Policy amended to allow METRO bus advertisements	E.R.
3/24/06	Policy amended to remove restriction on advertising from competing forms of transportation	M.R.
2/26/10	Policy amended to include advertising on METRO's website.	

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## I. POLICY

- 1.01 Santa Cruz Metro sells space inside and upon its buses, and on its website, for the display of commercial advertising. The purpose is to raise revenues, supplementary to those from fares and from tax proceeds, to be used to finance Santa Cruz Metro's operations. The display of advertising is solely for this purpose. It is not intended to provide a general public forum for purposes of communication, but rather to make use of property held in a proprietary capacity in order to generate revenue.
- 1.02 In order to realize the maximum benefit from the sale of advertising space, the program must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising does not discourage the use of Santa Cruz Metro's transit system or web pages, does not diminish Santa Cruz Metro's reputation in the community it serves or the good will of its patrons, and is consistent with Santa Cruz Metro's principal purpose of providing safe, comfortable, efficient and affordable public transportation. To attain these

objectives, Santa Cruz Metro's Board of Directors has established these regulations for the advertising displayed in and upon its buses and on its website.

- 1.03 In addition to the foregoing, noncommercial speech is excluded from advertising inside and upon the buses and on its website for the following reasons:
- a. Santa Cruz Metro wishes to maintain a position of neutrality on political, religious, environmental, or other public matters and issues in order to promote its commercial enterprise;
  - b. If advertisement inside and upon the buses is not restricted, the buses and passengers could be subject to violence;
  - c. Preventing a reduction in income earned from selling advertising space because commercial advertisers may be dissuaded from using the forum commonly used by those wishing to communicate political or religious ideas or beliefs.

## **II. APPLICABILITY**

- 2.01 This procedure is applicable to all District employees and all independent contractors who contract with Santa Cruz Metro, for the placement of advertisement in and upon Santa Cruz Metro's buses and on its website.

## **III. DEFINITIONS**

- 3.01 Commercial advertising:
- a. Advertising the sole purpose for which is to sell or rent real estate or personal property for profit, or to sell services for profit.
  - b. Shall not include any advertising that both offers to sell property or services and also conveys information about matters of general interest, political issues, religious, moral, or environmental matters or issues, or other public matters or issues, or expresses or advocates opinions or positions upon any of the foregoing.
  - c. Does not convey whether expressly or implied, intentionally or unintentionally, by inference or innuendo, the religious, social, political, legal or moral view of any person or entity as such views are generally understood in Santa Cruz County community.

- d. Does not cause the vehicles, if posted individually or in combination with other advertisements, to become a public forum for the dissemination, debate, and/or discussion of public issues.

3.02 Political Advertising:

- a. Any advertising that supports or opposes the election of any candidate or group of candidates for election to any federal, State, or local government office;
- b. Any advertising that supports or opposes any referendum conducted by the federal or State government, or by any local government, such as referenda on constitutional amendments, on bond issues, or on local legislation; or
- c. Any advertising that features any person whose prominence is based wholly or in part upon his or her past or present activity in political affairs, or that represents or implies any such person's approval or endorsement of the subject matter of the advertising.

## **IV. ADVERTISING STANDARDS**

4.01 All advertising displayed in or upon the Santa Cruz Metro's buses or on its website shall be strictly commercial in nature and purpose.

4.02 Santa Cruz Metro's transit system and its website, in order to serve the purpose for which it has been established, must of necessity accommodate all persons without distinction of age. It is therefore necessary to exclude advertising unsuitable for exposure to children or persons with immature judgment. The following kinds of advertising therefore will not be displayed in or upon Santa Cruz Metro's buses and/or on its web pages:

1. Advertising for cigars, cigarettes, pipe tobacco, chewing tobacco, and other tobacco products.
2. Advertising for alcoholic beverages, including beer, wine, and distilled spirits.
3. Advertising for products or services related to human reproduction or sexuality, including but not limited to contraceptive products or services, other products or services related to sexual hygiene, and counseling with regard to pregnancy, abortion, or other sexual matter.
4. Advertising for products, services, or entertainment directed to sexual stimulation.

- 4.03 No advertising shall be permitted that in any way denigrates Santa Cruz Metro's organization, or its operation, or its officers, agents, or employees. This prohibition includes advertising copy and illustrations that state or imply or could reasonably be expected to cause an inference, that Santa Cruz Metro's service or operations are anything but safe, efficient, affordable and convenient.
- 4.04 Santa Cruz Metro expects all advertising copy to be truthful. Advertising copy and illustrations should not be exaggerated, distorted, false, misleading or deceptive.
- 4.05 Medical products or treatments are to be treated in a restrained and inoffensive manner.
- 4.06 Testimonials are expected to be authentic, and advertisers using them will be required to indemnify Santa Cruz Metro against any action brought in connection with them. Advertising that promotes contests or giveaways is expected to comply with all applicable laws and regulations.
- 4.07 No advertising in or upon Santa Cruz Metro's buses or on its website shall include language, pictures, or other graphic representations that are unsuitable for exposure to persons of young age and immature judgment, or shall be derogatory or defamatory of any person or group because of race, color, national origin, ethnic background, religion, gender or sexual preference.
- 4.08 No advertising shall be displayed in or upon Santa Cruz Metro's buses or on its website if the display thereof would violate any federal or State law or regulation, or any law, regulation, or ordinance of any county or municipality in or through which Santa Cruz Metro buses are or may be operated.
- 4.09 No advertising that is obscene, as defined by federal or California law, shall be displayed in or upon Santa Cruz Metro's buses or on its website.
- 4.10 Proposed advertisements shall not be accepted if the use, or possession of the property proposed to be advertised, includes a product that is specifically prohibited from use or possession on Santa Cruz Metro's facilities including its buses and vehicles. These products include firearms, tobacco products, alcohol and weapons.
- 4.11 No advertising will be accepted if it advocates imminent lawlessness or violence.
- 4.12 Political advertising will not be accepted.
- 4.13 Advertising will not be accepted if it promotes or encourages unlawful activity.

- 4.14 Advertising will not be accepted if it supports or opposes an issue or cause and/or which advocates or opposes a religion or belief.
- 4.15 Notwithstanding any other provision in this policy, advertising for METRO's transit buses, paratransit services, and METRO's website shall be allowed. METRO also retains the right to communicate with its passengers and the public on transit issues, to seek input and participation from its passengers and to provide its passengers with notifications of meetings, hearings and other transit-related issues.

## **V. USE OF SANTA CRUZ METRO'S NAME**

- 5.01 Use of Santa Cruz Metro's name, logo, slogans, or other graphic representations is subject to advance approval by Santa Cruz Metro. Santa Cruz Metro does not endorse or imply endorsement of any product or service.

## **VI. ADMINISTRATION OF ADVERTISING REGULATION**

- 6.01 If advertising space on Santa Cruz Metro's buses or METRO's website is sold through an independent Contractor, the Contractor shall comply with the foregoing policies, and review all advertising with reference to them. They shall refer all such advertising that falls or may fall into any of the categories defined above to Santa Cruz Metro's designated representative responsible for administering the advertising program, who shall determine whether the proposed advertising will be accepted. If the proposed advertising is rejected, the party or parties proposing it may request that this decision be reconsidered. Upon such request, Santa Cruz Metro's representative shall consult with Santa Cruz Metro's District Counsel and with its General Manager or the officer designated by him/her for this purpose. The General Manager or his/her designee, on the basis of such consultation, shall determine whether the proposed advertising will be accepted or rejected.
- 6.02 Santa Cruz Metro will cooperate with the party or parties proposing the advertising, and with the independent contractor (if applicable) through whom it has been proposed, in a reasonable effort to revise it in order to produce advertising that can be accepted and displayed consistently with the foregoing policies.